


Canada. Parliament. Legislative
Assembly. Debates



Digitized by the Internet Archive
in 2021 with funding from
University of Toronto

<https://archive.org/details/31761114651904>

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume X

Part I

1851

1978



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Gibbs

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume X, Part I
1851

Edited by
Elizabeth Gibbs
Margaret MacKinnon
Lynne Marler
Elaine Naves

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS
5255, avenue Decelles, Montréal, Québec H3T 1V6

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

CENTRE D'ETUDE DU QUEBEC
Room 462-11, Sir George Williams of Concordia University
Montréal, Québec
H3G 1M8

Director : *Cameron Nish*

Associate Director : *Jean Hamelin*

Research Director : *Elizabeth Gibbs*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE
DU CANADA FRANCAIS
5255, avenue Decelles
Montréal, Québec
H3T 1V6

Directeur : *Pierre Harvey*

Directeur de la recherche : *Cameron Nish*

Research for this volume, as for the previous ones, was substantially supported by Canada Council. The Publication of the Debates of the Legislative Assembly of United Canada is an undertaking of the Centre de recherche en histoire économique du Canada français. The publication of the volumes is supported jointly by the Humanities Research Council of Canada and the Social Science Federation of Canada using funds provided by the Canada Council.

*Centre de recherche en histoire économique du Canada français

INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.* The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Sixteen newspapers were consulted for the session of 1851, the chief characteristics of which are described in the following table.

*In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

Newspaper	District, Section	Language	Political Orientation	Special M.P.'s	Completeness of Paper on Microfilm	Weekly Distribution	Average Number of Columns of Debates per Issue	Completeness of Reports	Person Reported In	Origin of Reports	Coverage Given to Legislative Council
L'AVENIR	Montreal, L.C.	French	Radical Reform	L.J. Papineau	Very	Weekly, Wednesday or Friday	0 - 4	Commentaries, mainly on Lower Canada questions	Third	Original	Rarely
BATHURST COURIER	Bathurst, U.C.	English	Reform	Malcolm Cameron	Very	Weekly, irregular, but usually on Tuesday	6 - 8	Good	Third	Copied, usually from <u>North American</u>	Infrequently
BRITISH COLONIST	Toronto, Home, U.C.	English	Moderate Conservative	-	Very	Twice, Tuesday, Friday	5 - 7	Excellent	First, third	Original	Regularly, $\frac{1}{2}$ - 1 column
BRITISH WHIG	Kingsston, Midland, U.C.	English	Conservative	-	Very	Daily	0 - 2	Very good	Third	Copied, usually from <u>British Colonist</u> and <u>North American</u>	Regularly, 1 column
EXAMINER	Toronto, U.C.	English	Reform	-	Very	Weekly, Wednesday	4 - 8	Very good	Third	Original	Infrequently, 1 column
GLOBE	Toronto, U.C.	English	Reform	Upper Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	5 - 9	Excellent	Third	Original	Frequently, 1 - 4 columns
HAMILTON SPECTATOR	Hamilton, U.C.	English	Conservative	Sir Allan MacNab	Very	Twice, Wednesday, Saturday	4 - 7	Good	Third	Some original, some copied, mainly from <u>Globe</u>	Rarely
LE JOURNAL DE QUEBEC	Quebec, L.C.	French	Reform	French Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	1 - 3	Good, especially French speeches	First, third	Some original, often copied from <u>La Minerve</u> or translated from <u>Globe</u>	Never
LA MINERVE	Montreal, L.C.	French	Reform	French Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	1 - 4	Very good	First, third	Some original, some copied from <u>English Montreal</u> papers	Never
MONTREAL GAZETTE	Montreal, L.C.	English	Conservative	Conservatives	Very	Daily, except Sunday	1 - 4	Very good	First, third	Original or copied from <u>Globe</u> or <u>Examiner</u>	Occasionally, 1 column
MONTREAL TRANSCRIPT	Montreal, L.C.	English	Conservative	Conservatives	Very	Three times, Tuesday, Thursday, Saturday	1 - 3	Concise but good	Third	Some original, some copied, usually from <u>Montreal Gazette</u>	Occasionally, $\frac{1}{2}$ column
MORNING CHRONICLE	Quebec, L.C.	English	Conservative	-	Very	Irregular, but almost daily	1 - 4	Very good	Third	Some original, but usually copied from <u>Montreal Gazette</u> and <u>British Colonist</u>	Occasionally, 1 column
NORTH AMERICAN (Weekly)	Toronto, U.C.	English	Radical Reform	Radical Reformers	Very	Weekly, Friday	5 - 9	Excellent	First, third	Some original, some copied from <u>Patriot</u>	Regularly, 1 - 2 columns
OTTAWA CITIZEN (formerly PACKET)	Bytown, Ottawa, U.C.	English	Moderate Reform	Robert Baldwin	Very	Weekly, Saturday	2 - 4	Good	First, third	Copied, usually from Toronto papers	Infrequently, 0 - 1 column
PILOT	Montreal, L.C.	English	Reform	Reformers, especially L.H. LaFontaine, R. Baldwin, F. Hincks	Very	Three times, Tuesday, Thursday, Saturday	5 - 6	Excellent	First, third	Copied, usually from Toronto papers, especially <u>Globe</u> and <u>British Colonist</u>	Frequently, 1 column
ST. CATHARINES JOURNAL	Niagara, U.C.	English	Moderate Reform	William Hamilton Merritt	Very	Weekly, Thursday	3 - 4	Very good	First, third	Copied, usually from <u>Globe</u>	Rarely

The reasons for including such newspapers as the BATHURST COURIER, the HAMILTON SPECTATOR, the MORNING CHRONICLE, and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume I. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms used remain essentially unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; McFarlane or MacFarlane instead of McFarland; and various spellings of Macdonald. All spelling of names within a speech is left unchanged, however. 2) Whenever a member was reported to have spoken in English or in French, this fact is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centered number is our own. 4) Four of the newspapers are referred to in abbreviated form, the DAILY BRITISH WHIG as the BRITISH WHIG, the HAMILTON SPECTATOR AND JOURNAL OF COMMERCE as the HAMILTON SPECTATOR, the PILOT AND JOURNAL OF COMMERCE as the PILOT, and the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL. 5) The various parentheses used in the newspapers are represented in

our text by (). 6) Double parentheses, which were used in previous volumes, have been replaced by square brackets; these contain our own comments, explanatory notes or suggestions. 7) Words such as "expencc", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word [sic]. 8) When, for the sake of clarity, we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR A. MACNAB said that he would go to town....¹ he meant to the town of Three Rivers....² as soon as possible....³" becomes "SIR A. MACNAB said that he would go to town¹, he meant to the town of Three Rivers², as soon as possible³."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "SIR A. MACNAB thinks" while "DR. NELSON said" and "MR. MONGENAIS had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

This manuscript was typed in its final form by Beth McAuley and Ann Bennett. Margaret MacKinnon prepared the very complex subject index. Luc Bouchard, Susan Galbraith, and Christine Tanzer also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

THIRD PARLIAMENT - THIRD SESSION
20 MAY 1851 - 30 AUGUST 1851

BALDWIN, Robert¹

Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Attorney General, U.C.:	11 March 1848 to 27 Oct. 1851

BOURRET, Joseph

Member of the Executive Council:	17 April 1850 to 27 Oct. 1851
President of the Executive Council:	17 April 1850 to 27 Oct. 1851
Chief Commissioner of Public Works:	12 Feb. 1851 to 27 Oct. 1851
Member of the Legislative Council:	21 Nov. 1848 to 5 March 1859

HINCKS, Francis

Member of the Executive Council:	11 March 1848 to 10 Sept. 1854
Inspector General:	11 March 1848 to 10 Sept. 1854

LAFONTAINE, Louis Hippolyte

Member of the Executive Council:	10 March 1848 to 27 Oct. 1851
Attorney General, L.C.:	10 March 1848 to 27 Oct. 1851

LESLIE, James

Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Provincial Secretary:	15 Sept. 1848 to 27 Oct. 1851
Member of the Legislative Council:	23 May 1848 to 30 June 1867

MORRIS, James

Member of the Executive Council:	22 Feb. 1851 to 10 Sept. 1854
Postmaster General:	22 Feb. 1851 to 16 Aug. 1853
Member of the Legislative Council:	27 Nov. 1844 to 29 Sept. 1865

PRICE, James Hervey

Member of the Executive Council:	11 March 1848 to 27 Oct. 1851
Commissioner of Crown Lands:	11 March 1848 to 27 Oct. 1851

TACHE, Etienne Paschal

Member of the Executive Council:	11 March 1848 to 25 Nov. 1857
Receiver General:	27 Nov. 1849 to 23 May 1856
Member of the Legislative Council:	23 May 1848 to 30 July 1865

1. Baldwin resigned as Attorney General for Upper Canada on 30 May 1851 but retained the title until he was succeeded, on 28 October 1851, by W.B. Richards.

MEMBERS OF THE LEGISLATIVE ASSEMBLY

AND THEIR CONSTITUENCIES

1851

Armstrong, David Morrison.....	Berthier, L.C.
Badgley, William.....	Missisquoi, L.C.
Baldwin, Robert.....	York, North Riding, U.C.
Bell, Robert.....	Lanark, U.C.
Boulton, Henry John.....	Norfolk, U.C.
Boulton, William Henry.....	Toronto, City, U.C.
Bouthillier, Thomas.....	St. Hyacinthe, L.C.
Burritt, Read.....	Grenville, U.C.
Cameron, John Hillyard.....	Cornwall, U.C.
Cameron, Malcolm.....	Kent, U.C.
Cartier, George Etienne.....	Verchères, L.C.
Cauchon, Joseph Edouard.....	Montmorency, L.C.
Cayley, William.....	Huron, U.C.
Chabot, Jean.....	Quebec, City, L.C.
Chauveau, Pierre Joseph Olivier.....	Quebec, County, L.C.
Christie, Robert.....	Gaspé, L.C.
Crysler, John Pliny.....	Dundas, U.C.
Cuthbert, William.....	Bonaventure, L.C.
Davignon, Pierre.....	Rouville, L.C.
DeWitt, Jacob.....	Beauharnois, L.C.
Dickson, Walter Hamilton.....	Niagara, Town, U.C.
Drummond, Lewis Thomas.....	Shefford, L.C.
Duchesnay, Antoine Juchereau.....	Portneuf, L.C.
Dumas, Norbert.....	Leinster, L.C.
Egan, John.....	Ottawa, County, L.C.
Fergusson, Adam Johnston.....	Waterloo, U.C.
Flint, Billa.....	Hastings, U.C.
Fortier, Thomas.....	Nicolet, L.C.
Fournier, Charles François.....	L'Islet, L.C.
Fourquin dit Léveillé, Michel.....	Yamaska, L.C.
Gugy, Bartholomew Conrad Augustus.....	Sherbrooke, Town, L.C.
Guillet, Louis.....	Champlain, L.C.
Hall, James.....	Peterborough, U.C.
Hincks, Francis.....	Oxford, U.C.
Holmes, Benjamin.....	Montreal, City, L.C.
Hopkins, Caleb.....	Halton, U.C.
Jobin, André.....	Montreal, County, L.C.
Johnson, Thomas Hall.....	Prescott, U.C.
Lacoste, Louis.....	Chambly, L.C.
LaFontaine, Louis Hippolyte.....	Montreal, City, L.C.
Laterrière, Marc Pascal de Sales.....	Saguenay, L.C.
Laurin, Joseph.....	Lotbinière, L.C.
Lemieux, François.....	Dorchester, L.C.
Letellier, Luc ¹	Kamouraska, L.C.
Lyon, George Byron.....	Russell, U.C.
Macdonald, John Alexander.....	Kingston, City, U.C.
Macdonald, John Sandfield.....	Glengarry, U.C.

Mackenzie, William Lyon ²	Haldimand, U.C.
MacNab, Allan Napier	Hamilton, City, U.C.
Malloch, Edward	Carleton, U.C.
McConnell, John	Stanstead, L.C.
McFarland, Duncan	Welland, U.C.
McLean, Alexander	Stormont, U.C.
Merritt, William Hamilton	Lincoln, U.C.
Méthot, François Xavier	Quebec, City, L.C.
Meyers, Adam Henry	Northumberland, U.C.
Mongenais, Jean Baptiste	Vaudreuil, L.C.
Morin, Augustin Norbert	Bellechasse, L.C.
Morrison, Joseph Curran	York, West Riding, U.C.
Nelson, Wolfred	Richelieu, L.C.
Notman, William	Middlesex, U.C.
Papineau, Louis Joseph	St. Maurice, L.C.
Perry, Peter ³	York, East Riding, U.C.
Polette, Antoine	Three Rivers, L.C.
Price, James Hervey	York, South Riding, U.C.
Prince, John	Essex, U.C.
Richards, William Buell	Leeds, U.C.
Robinson, William Benjamin	Simcoe, U.C.
Ross, Dunbar	Megantic, L.C.
Sanborn, John Sewell	Sherbrooke, County, L.C.
Sauvageau, Tancrède	Huntingdon, L.C.
Scott, John	Bytown, U.C.
Scott, William Henry	Two Mountains, L.C.
Seymour, Benjamin	Lennox & Addington, U.C.
Sherwood, George	Brockville, U.C.
Sherwood, Henry	Toronto, City, U.C.
Smith, Harmanus	Wentworth, U.C.
Smith, Henry	Frontenac, U.C.
Smith, James	Durham, U.C.
Stevenson, David Barker	Prince Edward, U.C.
Taché, Etienne Paschal	Rimouski, L.C.
Viger, Louis Michel	Terrebonne, L.C.
Watts, Robert Nugent	Drummond, L.C.
Wilson, John	London, U.C.

-
1. Letellier was elected on 1 February 1851 replacing P.C. Marquis, deceased.
 2. Mackenzie was elected on 21 April 1851 replacing D. Thompson, deceased.
 3. Perry died in August 1851, leaving York East unrepresented until the next General Elections.

TUESDAY, 20 MAY 1851.

(1)

Message to at-
tend His Ex-
cellency.

A MESSAGE from His Excellency the Governor General, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber:--And being returned;

Writs issued
in the Recess.

Mr. Speaker acquainted the House, That during the Recess, he had issued his Warrants to the Clerk of the Crown in Chancery, to make out new Writs for the election of Members to serve in the present Provincial Parliament, in the room of Members whose seats had become vacant; and that the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificates of Returns of Members elected upon the said new Writs:--

Certificate of
the Return of
Mr. Letellier
for Kamouraska.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Toronto, 21st February, 1851.

This is to certify, that in virtue of a Writ of Election, dated the twenty-third day of December last, issued by His Excellency the Governor General, and directed to the Registrar for the County of Kamouraska, Returning Officer ex officio for the same, (Jean G. Taché, Esquire) for the election of one Member to represent the said County of Kamouraska, in the room and place of the late Pierre Canac dit Marquis, Esquire, deceased, Luc Letellier, Esquire, has been returned as duly elected accordingly, as appears by the return of the said Writ, dated the first day of the present month of February, which is now lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W.B. Lindsay, Esquire,

Clerk of the Legislative Assembly.

Certificate of
the Return of
Mr. Mackenzie
for Haldimand.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Toronto, 5th May, 1851.

This is to certify, that in virtue of a Writ of Election, dated the nineteenth day of March last, issued by His Excellency the Governor General, and directed to the Sheriff of the County of Haldimand, Returning Officer ex officio for the same, (Richard Martin, Esquire) for the election of one Member to represent the said County of Haldimand, in the room and place of the late David Thompson, Esquire, deceased, William Lyon Mackenzie, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-first day of April last, which is now lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W.B. Lindsay, Esquire,

Clerk of the Legislative Assembly.

Members take
their seats.

Luc Letellier, Esquire, Member for the County of Kamouraska, and William Lyon Mackenzie, Esquire, Member for the County of Haldimand, having previously taken the Oath according to law, and subscribed before the Commissioners the Roll containing the same, took their seats in the House.

Justices of the
Peace Oath of
Office Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the administration of the Oath of Office to

(2)

persons appointed to be Justices of the Peace in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time.

On motion of Mr. DeWitt, seconded by the Honorable Mr. Price,

Postage on
Letters to and
from Members.

Ordered, That the Clerk do charge to the Contingencies of the House, the Postage on all Letters and Printed Papers to and from Members of this House, during the present Session.

Mr. Speaker
reports His Ex-
cellency's Speech.

Mr. Speaker reported, That when the House did attend the Governor General this day, in the Legislative Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, as followeth:--

Honorable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly,

In again meeting you for the discharge of our Legislative duties, it affords me much satisfaction to congratulate you on the general prosperity of the Province.

The crop of last year was abundant; the Revenue from Customs, and the traffic on the Provincial Canals, are steadily increasing; and the Securities of the Province command a high price.

The effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports. It is alleged, however, by persons connected with the Shipping interest, that certain provisions of the Immigration Act are unfavorable to the extension of that valuable branch of our Import Trade. The subject is an important one, and I recommend it to your consideration.

Under these favorable circumstances, the further improvement of the means of internal communication has recently engaged a large share of public attention. In many parts of Western Canada, capital has been applied extensively and with much advantage by persons interested in several localities, and by others to the construction of good country roads; and measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway.

Parliament has already given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them without impairing the Provincial Credit, or encouraging improvident speculation. I feel confident that in any further legislation which you may see fit to adopt on this subject, you will

adhere to the principles of this judicious policy.

A considerable encrease in correspondence has, I am happy to inform you, taken place since the new Postage Law came into operation. This fact, which furnishes conclusive proof of the advantage accruing to the community from the measure, warrants moreover the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage.

Under the operation of the measures which have been recently adopted by the Legislatures of the several North American Provinces, the inter-colonial trade is assuming proportions of encreasing magnitude, and promises to become a considerable branch of our industry. I shall lay before you a Despatch in which Her Majesty's Principal Secretary of State for the Colonies submits for consideration a proposal for the construction of a Railway between Halifax and Quebec or Montreal, which has an important bearing on this subject.

The dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, has been productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims. In accordance with a suggestion made by the Secretary of State, I requested the Lieutenant Governor of New Brunswick to meet me here last autumn, with the view of arranging the details of a scheme of arbitration for the settlement of this question. The Report of the Arbitrators who were appointed in pursuance of the agreement entered into at that time by the Governments of the two Provinces, will, I have reason to believe, be presented at an early period.

With the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which is likely to prove highly advantageous to the Shipping that frequents those waters.

It is yet too early to speak with confidence of the results of the great Exhibition which is now being held in London. From the reports which have reached me, however, I have reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. Much credit is due to those who have exerted themselves for the promotion of this object.

Gentlemen of the Legislative Assembly,

I have received a communication from Her Majesty's Principal Secretary of State for the Colonies, which I shall lay before you, intimating that Her Majesty has been pleased to receive very graciously the Address on the subject of the Clergy Reserves which you entrusted to me for transmission last Session; and stating the views of Her Majesty's Imperial Government on the subject of that Address.

I shall direct the Accounts of Revenue and Expenditure, and the Estimates for the year, to be laid before you; and I rely on your making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit.

Honorable Gentlemen, and Gentlemen,

A measure will be submitted to you for effecting a reduction in certain charges provided for by the Civil List Act of 1846, and I shall lay before you the correspondence which has passed between this Government and the Secretary of State on the subject.

I again recommend to your consideration the important subject of an encrease in the Parliamentary Representation of the Province.

The expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with the view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer, will probably engage your attention.

As the Province advances in wealth and population, and the authority of the local Parliament is extended and confirmed, the responsibilities which attach to Members of this Legislature becomes necessarily more onerous. The people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and I am confident that you will earnestly endeavor, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

(3)

Motion for
an Address.

Mr. Ross moved, seconded by Mr. Morrison, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially unites in the satisfaction expressed by His Excellency in the general prosperity of the Province:

That they feel deeply grateful to the Almighty for the abundant crop of last year; and rejoice to learn that the Revenue from the Customs, and the traffic on the Provincial Canals, are steadily increasing, and that the Securities of the Province command a high price:

That they are glad to learn that the effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports; and they will not fail to give their best consideration to the Immigration Act with a view of removing any unnecessary impediments to the extension of this valuable branch of our Import Trade:

That it is a matter of congratulation that under these favorable circumstances the further improvement of the means of internal communication has recently engaged a large share of public attention: that in many parts of Western Canada capital has been applied extensively and with much advantage by persons interested in the several localities, and by others to the construction of good country roads; and that measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway:

That Parliament having given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them, without impairing the Provincial Credit, or encouraging improvident speculation, this House is prepared, in any further legislation which it may be thought fit to adopt on this subject, to adhere to the principles of this judicious policy:

That this House feels much satisfaction in learning that a considerable increase in correspondence has taken place since the new Postage Law came into operation. This fact furnishes conclusive proof of the advantage accruing to the community from the measure, and warrants the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage:

That they are glad to learn that under the operation of the measures which have been recently adopted by the Legislatures of the several North American Provinces, the inter-colonial trade is assuming proportions of increasing magnitude, and promises to become a considerable branch of our industry; and that they will not fail to consider with the greatest attention, as having an important bearing on this subject, the Despatch which His Excellency has been pleased to promise would be laid before them, in which Her Majesty's Principal Secretary of State for the Colonies submits for consideration, a proposal for the construc-

tion of a Railway between Halifax and Quebec or Montreal:

That they rejoice to learn that with a view to arranging the details of a scheme of arbitration for the settlement of the dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, and which has been productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims, His Excellency, in accordance with a suggestion made by the Secretary of State, requested the Lieutenant Governor of New Brunswick to meet him here for that purpose, and that there is reason to believe that the Report of the Arbitrators who were appointed in pursuance of the agreement entered into at the time by the Governments of the two Provinces will be presented at an early period:

That this House is glad to learn that, with the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which they feel assured will prove highly advantageous to the Shipping that frequents those waters:

That though it may be yet two [*sic*] early to speak with confidence of the results of the great Exhibition which is now being held in London, they feel a just pride in learning that from the reports which have reached His Excellency, he has reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. And they agree fully with His Excellency that much credit is due to those who have exerted themselves for the promotion of this object:

To assure His Excellency that this House feels grateful to Her Majesty for having graciously received their Address of last Session on the subject of the Clergy Reserves, and will not fail to give the communication from Her Majesty's Principal Secretary of State for the Colonies stating the views of Her Majesty's Imperial Government on the subject of that Address, their best consideration:

That they will give to the Accounts of the Revenue and Expenditure of the Province, and to the Estimates of the year, when laid before them, their best attention; and that His Excellency may confidently rely on their making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit:

That this House will give its best attention to any measure that may be submitted to its consideration for effecting a reduction in any of the charges provided for by the Civil List Act of 1846, and they thank His Excellency for promising to lay before them the correspondence which has passed between this Government and the Secretary of State on the subject:

That this House will afford their best consideration to the important subject of an increase in the Parliamentary Representation of the Province, and to the expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with a view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer:

That this House feels deeply sensible, that as the Province advances in wealth and population, and the authority of the local Parliament is extended and confirmed, the responsibilities which attach to Members of this Legislature become necessarily more onerous, and they rejoice with His Excellency in the assurance that the people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and to assure His Excellency that this House will earnestly endeavour, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

*And a Debate arising thereupon;*¹

MR. ROSS rose to move an address in answer to the Speech², which was ... an echo of His Excellency's words.³ M. Ross ne fit que de très courtes reflexions pour, dit-il, économiser le temps de la chambre et du pays.⁴

MR. H. SHERWOOD complained of the irregularity of the present proceeding.⁵ [He] objected to the departure from the old usage, and intimated that the new course was not in order.⁶ La proposition de M. Ross était inconstitutionnelle⁷. The custom was to move that the Speech from the Throne be considered upon a certain day, or forthwith, so that the day for its consideration might be fixed by the House. Many members were now absent, and could not be present that day, or, perhaps, the next.⁸

MR. AT. GEN. BALDWIN said there was⁹ certainly¹⁰ nothing out of order to proceeding with the consideration of the address.¹¹ Il était vrai que la réponse au discours du trône avait coutume d'être proposée un autre jour que le premier jour de la session; mais¹² the present was the English practice, and the practice of postponement has grown up out of the old colonial custom, not proper for the altered change of our circumstances. That postponement has been found very inconvenient, and he felt that the more closely English precedent was followed, the better.¹³ Its adoption by our Parliament would not only be respectful to the Head of the Government, by ensuring a prompt reply to the speech, but would effect a most important saving of time.¹⁴ The inconvenience was such, that in several late sessions there had been delays of a number of days before the address was carried, so that last session, growing from bad to worse, the delay had been prolonged to thirteen days.¹⁵ In support of the latter view he adduced the following matter of fact:--

Time occupied in the discussion of the address in the

Year 1841.....	10 Days.
" 1842.....	2 "
" 1843.....	6 "
" 1844.....	11 "
" 1846.....	14 "
" 1847.....	12 "
" 1848.....	10 "
" 1849.....	7 "
" 1850.....	13 " . ¹⁶

The business of the House could not be proceeded with until the address was carried. He therefore thought it should be moved at once; but as no one should be taken by surprize, the debate might be adjourned, and thus English precedent would be conformed with, and at the same time no one inconvenienced.¹⁷

SIR A. MACNAB expressed his approval of the change. "It was in accordance with English practice, and would greatly facilitate the business of the House."¹⁸ [He] suggested that the consideration of the address be delayed till Friday.¹⁹

MR. AT. GEN. BALDWIN said, that the debate might be first adjourned till Wednesday, and then further adjourned if that were thought necessary.²⁰

MR. H. SHERWOOD thereupon desisted.²¹

MR. MORRISON seconded the address. He hoped the address would be taken up to-morrow and he would, therefore, reserve the remarks he had to make till then.²²

(3)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

Ordered, That the Debate be adjourned until to-morrow.

(4)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

Votes and Proceedings to be printed.

Ordered, That the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same.

Standing Committees to be appointed.

Resolved, That Select Standing Committees of this House for the present Session, be appointed for the following purposes:-

1. On Privileges and Elections.
2. On Expiring Laws.
3. On Railroads and Telegraph Lines.
4. On Miscellaneous Private Bills.
5. On Standing Orders.
6. On Printing.
7. On Contingencies.

which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and to report from time to time their observations and opinions thereon; with power to send for persons, papers, and records.

Answer to Speech to be disposed of before proceeding with other business of the House.

Resolved, That in the present Session of Parliament, until the Address of this House in answer to the Speech from the Throne at the opening of the Session shall have been adopted and ordered to be presented, the Order of the day for the consideration of any proposition for such Address, or for any Amendment to the same, or for any adjourned

Debate upon such consideration, proposition or amendment, which shall be set down in the Order Book for any particular day, shall be disposed of before the House will proceed with the daily Routine, according to the Standing Order of this House of the 28th June, 1841, or upon any motions of which notices shall be entered in the Order Book.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:-

By the Honorable Mr. Sherwood,--The Petition of N. McKinnon and others, Lumber Merchants, Mill-owners and others, of Bayham and surrounding Townships.

By Mr. Notman,--The Petition of the Municipality of the Township of Bayham.

By the Honorable Mr. Attorney General Baldwin,--The Petition of the Municipality of the Township of Brock.

By Mr. Ross,--The Petition of the Mayor and Councillors of the City of Quebec.

By Mr. Polette,--The Petition of F. Boucher, Esquire, and others, of the Seigniorship of Maskinongé, County of St. Maurice.

By Mr. Mackenzie,--The Petition of Martin McKinnon, of the Township of Vaughan; and the Petition of W. Allison, Esquire, and others.

Then, on motion of Mr. Christie, seconded by Mr. Malloch,
The House adjourned.

[NOTICE OF MOTION RE: BILL CONCERNING EXPENDITURE OF PUBLIC MONEY.]²³

MR. H. BOULTON gave notice that²⁴ on Friday,²⁵ he would bring in bills to prevent the appropriation of public monies without the previous consent of Parliament, and to limit the granting of pensions²⁶.

[NOTICE OF MOTION RE: MEETING TIME OF PARLIAMENT.]²⁷

MR. H. BOULTON gave notice ... of a bill to fix the time and place for the meeting of Parliament²⁸.

[NOTICE OF MOTION RE: PRACTICE OF THE LAW.]²⁹

MR. H. BOULTON gave notice [of a bill] to simplify the practice of the law³⁰.

[NOTICE OF MOTION RE: JOINT STOCK COMPANIES BILL.]³¹

MR. H. BOULTON gave notice ... of a bill to amend the Act regulating the formation of Joint Stock Companies³² for the construction of roads, &c.³³

[NOTICE OF MOTION RE: STATE OF THE PROVINCE.]

MR. W. BOULTON gave promise of a lengthy notice of the state of the Province--the effects of the Union, and of the present form of Government. There is a great want of "harmony," he said, and the people are encouraged to "TRICKERY and SPECULATION."³⁴

[NOTICE OF MOTION RE: UPPER CANADA USURY BILL.]³⁵

MR. H. SHERWOOD gave notice ... that he will introduce a Bill to repeal the Usury Laws in Upper Canada³⁶.

[NOTICE OF MOTION RE: UNIVERSITY OF TORONTO BILL.]³⁷

MR. H. SHERWOOD gave notice of ... a Bill to amend the Charter of the University of Toronto.³⁸

[NOTICE OF MOTION RE: COMMON-LAW BILLS.]³⁹

MR. J. CAMERON gave notice of several bills to reform the common-law of the Province in various particulars.⁴⁰

[NOTICE OF MOTION RE: RECIPROCITY BILL.]⁴¹

MR. MERRITT gave notice of a bill intended to obtain reciprocity of commerce with the United States and other nations.⁴²

[NOTICE OF MOTION RE: REPEAL OF TRUST AND LOAN COMPANY ACT.]⁴³

MR. MACKENZIE gave notice of bills to prevent the Upper Canada Loan Company from receiving higher interest⁴⁴ on mortgages⁴⁵ than is permitted by law to other bodies and individuals.⁴⁶

[NOTICE OF MOTION RE: COURTS OF CONCILIATION BILL.]⁴⁷

MR. MACKENZIE gave notice of ... a Bill to establish Courts of Conciliation⁴⁸ in Upper Canada.⁴⁹

[NOTICE OF MOTION RE: JURORS BILL.]⁵⁰

M. MACKENZIE a donné avis qu'il présenterait un bill pour faire indemniser les jurés.⁵¹

[NOTICE OF ADDRESS RE: RETURN OF SALE OF PUBLIC WORKS.]⁵²

MR. H. BOULTON ... gave notice of an address for a return of all roads, slides, harbors, &c., in the hands of the Government previous to last session; together with all accounts relative thereto, and if they had been sold, the time of sale, the names of the parties to whom they were sold; the price received, security demanded, &c., &c.⁵³

[NOTICE OF QUESTION RE: DUTIES BILL.]⁵⁴

MR. ROBINSON gave notice that he would, on Tuesday next, inquire of the government whether it is their intention to introduce a bill during the present session to lower the duties on goods imported by sea.⁵⁵

[NOTICE OF QUESTION RE: SEAT OF GOVERNMENT.]⁵⁶

MR. H. SHERWOOD gave notice of inquiry of the ministry, whether it is the intention of government to remove to Quebec after the close of the present session, or not till four years after the removal to Toronto.⁵⁷

FOOTNOTES: 20 MAY 1851.

1. The following papers reported the debate on this matter in partially identical accounts: NORTH AMERICAN, 23 May 1851, which misdated the debate as 21 May 1851, BRITISH COLONIST, 23 May 1851, and BRITISH WHIG, 23 May 1851, which misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; PILOT, 27 May 1851; JOURNAL DE QUEBEC, 27 May 1851; and L'AVENIR, 28 May 1851.
2. EXAMINER, 21 May 1851.
3. NORTH AMERICAN, 23 May 1851.
4. JOURNAL DE QUEBEC, 27 May 1851.
5. NORTH AMERICAN, 23 May 1851.
6. PILOT, 27 May 1851.
7. JOURNAL DE QUEBEC, 27 May 1851.
8. NORTH AMERICAN, 23 May 1851.
9. EXAMINER, 21 May 1851.
10. NORTH AMERICAN, 23 May 1851.
11. EXAMINER, 21 May 1851.
12. JOURNAL DE QUEBEC, 27 May 1851.
13. NORTH AMERICAN, 23 May 1851.
14. PILOT, 27 May 1851.
15. NORTH AMERICAN, 23 May 1851.
16. PILOT, 27 May 1851.
17. NORTH AMERICAN, 23 May 1851.
18. PILOT, 27 May 1851.
19. EXAMINER, 21 May 1851.
20. NORTH AMERICAN, 23 May 1851.
21. PILOT, 27 May 1851.
22. EXAMINER, 21 May 1851.
23. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; and OTTAWA CITIZEN, 31 May 1851.
24. NORTH AMERICAN, 23 May 1851.
25. OTTAWA CITIZEN, 31 May 1851.
26. NORTH AMERICAN, 23 May 1851.
27. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; L'AVENIR, 28 May 1851; and OTTAWA CITIZEN, 31 May 1851.
28. OTTAWA CITIZEN, 31 May 1851.
29. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851.
30. NORTH AMERICAN, 23 May 1851.
31. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by OTTAWA CITIZEN, 31 May 1851.
32. OTTAWA CITIZEN, 31 May 1851.
33. NORTH AMERICAN, 23 May 1851.
34. PILOT, 27 May 1851.
35. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851,

- which both misdated the debate as 21 May 1851. The debate was also reported by OTTAWA CITIZEN, 31 May 1851.
36. OTTAWA CITIZEN, 31 May 1851.
 37. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by OTTAWA CITIZEN, 31 May 1851.
 38. OTTAWA CITIZEN, 31 May 1851.
 39. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851.
 40. NORTH AMERICAN, 23 May 1851.
 41. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by OTTAWA CITIZEN, 31 May 1851.
 42. NORTH AMERICAN, 23 May 1851.
 43. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; and OTTAWA CITIZEN, 31 May 1851.
 44. NORTH AMERICAN, 23 May 1851.
 45. EXAMINER, 21 May 1851.
 46. NORTH AMERICAN, 23 May 1851.
 47. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; and OTTAWA CITIZEN; 31 May 1851.
 48. OTTAWA CITIZEN, 31 May 1851.
 49. NORTH AMERICAN, 23 May 1851.
 50. The debate on this matter was reported by: EXAMINER, 21 May 1851; OTTAWA CITIZEN, 31 May 1851; and L'AVENIR, 28 May 1851.
 51. L'AVENIR, 28 May 1851.
 52. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; PILOT, 27 May 1851; and OTTAWA CITIZEN, 31 May 1851.
 53. NORTH AMERICAN, 23 May 1851.
 54. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; and OTTAWA CITIZEN, 31 May 1851.
 55. EXAMINER, 21 May 1851.
 56. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH WHIG, 23 May 1851, which both misdated the debate as 21 May 1851. The debate was also reported by: EXAMINER, 21 May 1851; OTTAWA CITIZEN, 31 May 1851; and L'AVENIR, 28 May 1851.
 57. EXAMINER, 21 May 1851.

WEDNESDAY, 21 May 1851.

(4)

Motion for
an Address.

THE Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially unites in the satisfaction expressed by His Excellency in the general prosperity of the Province:

That they feel deeply grateful to the Almighty for the abundant crop of last year; and rejoice to learn that the Revenue from the Customs, and the traffic on the Provincial Canals, are steadily increasing, and that the Securities of the Province command a high price:

That they are glad to learn that the effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports; and they will not fail to give their best consideration to the Immigration Act with a view of removing any unnecessary impediments to the extension of this valuable branch of our Import Trade:

That it is a matter of congratulation that under these favorable circumstances the further improvement of the means of internal communication has recently engaged a large share of public attention: that in many parts of Western Canada capital has been applied extensively and with much advantage by persons interested in the several localities, and by others to the construction of good country roads; and that measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway:

That Parliament having given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them, without impairing the Provincial Credit, or encouraging improvident speculation, this House is prepared, in any further legislation which it may be thought fit to adopt on this subject, to adhere to the principles of this judicious policy:

That this House feels much satisfaction in learning that a considerable increase in correspondence has taken place since the new Postage Law came into operation. This fact furnishes conclusive proof of the advantage accruing to the community from the measure, and warrants the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage:

That they are glad to learn that under the operation of the measures which have been recently adopted by the Legislatures of the several North American Provinces, the inter-colonial trade is assuming proportions of increasing magnitude, and promises to become a considerable branch of our industry; and that they will not fail to consider with the greatest attention, as having an important bearing on this subject, the Despatch which His Excellency has been pleased to promise would be laid before them, in which Her Majesty's Principal Secretary of State for the Colonies submits, for consideration, a proposal for the construction of a Railway between Halifax and Quebec or Montreal:

That they rejoice to learn that with a view to arranging the details of a scheme of arbitration for the settlement of the dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, and which has been productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims, His Excellency, in accordance with a suggestion made by the Secretary of State, requested the Lieutenant Governor of New Brunswick to meet

him here for that purpose, and that there is reason to believe that the Report

(5)

of the Arbitrators who were appointed in pursuance of the agreement entered into at that time by the Government of the two Provinces, will be presented at an early period:

That this House is glad to learn that, with the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which they feel assured will prove highly advantageous to the Shipping that frequents those waters:

That though it may be yet too early to speak with confidence of the results of the great Exhibition which is now being held in London, they feel a just pride in learning that from the reports which have reached His Excellency, he has reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. And they agree fully with His Excellency that much credit is due to those who have exerted themselves for the promotion of this object:

To assure His Excellency that this House feels grateful to Her Majesty for having graciously received their Address of last Session on the subject of the Clergy Reserves, and will not fail to give the communication from Her Majesty's Principal Secretary of State for the Colonies, stating the views of Her Majesty's Imperial Government on the subject of that Address, their best consideration:

That they will give to the Accounts of the Revenue and Expenditure of the Province, and to the Estimates of the year, when laid before them, their best attention; and that His Excellency may confidently rely on their making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit:

That this House will give its best attention to any measure that may be submitted to its consideration for effecting a reduction in any of the charges provided for by the Civil List Act of 1846, and they thank His Excellency for promising to lay before them the correspondence which has passed between this Government and the Secretary of State on the subject:

That this House will afford their best consideration to the important subject of an encrease in the Parliamentary Representation of the Province, and to the expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with a view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer:

That this House feels deeply sensible, that as the Province advances in wealth and population, and the authority of the local Parliament is extended and confirmed, the responsibilities which attach to Members of this Legislature become necessarily more onerous, and they rejoice with His Excellency in the assurance that the people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and to assure His Excellency that this House will earnestly endeavour, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

Ordered, That the said Order of the day be postponed until to-morrow.

Petitions
brought up.

The following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Attorney General Baldwin,--The Petition of William Roe and others, of the old Survey of the Township of West Gwillimbury, County of Simcoe; the Petition of Septimus Tyrwhitt and others, of the Township of King, County of York; and the Petition of John Black and others, of Lots Nos. 7 to 14 inclusive, first concession of the new Survey, Township of West Gwillimbury.

By Mr. Notman,--Two Petitions of the Municipal Council of the County of Middlesex.

By the Honorable Mr. Robinson,--The Petition of the Municipality of the Township of Orillia; and two Petitions of the Municipal Council of the County of Simcoe.

By Mr. Egan,--The Petition of John McLean, of the Township of Lochaber, County of Ottawa; the Petition of James Wadsworth and others residing on both sides of the River Ottawa; the Petition of the Municipality of the County of Ottawa, Division No. 1; and the Petition of Peter Aylen and others, of the County of Ottawa.

By Mr. Cauchon,--The Petition of N.F. Belleau, Esquire, and others, Merchants, and others, of the District of Quebec; the Petition of the Reverend J. H. Dorion and others, Catholic Missionaries in the Eastern Townships; and the Petition of C. Boudreau, Esquire, and others, of Baie St. Paul, County of Saguenay.

By the Honorable Mr. Price,--The Petition of John Laurie and others, of the Township of Vaughan.

By the Honorable Mr. Chabot,--The Petition of the Members of the School of Medicine of Quebec; the Petition of the Mayor and Councillors of Quebec; and the Petition of the Bar of Lower Canada, Section of the District of Quebec.

By Mr. Letellier,--Two Petitions of the Municipal Council of Kamouraska.

By Mr. Cartier,--The Petition of P. Malot, Esquire, and others, of the Parish of St. Mathieu de Beloeil, County of Verchères.

Committee to
prepare Lists
of Members to
compose Stand-
ing Committees.

Resolved, That a Select Committee of eleven Members be appointed to prepare and report, with all convenient speed, Lists of Members to compose the Select Standing Committees ordered by this House for the present Session; and that the said Committee be composed of the Honorable Mr. Attorney

General Baldwin, Mr. Bouthillier, Mr. Cartier, the Honorable Mr. Cayley, Mr. Chauveau, Sir Allan N. MacNab, Mr. McConnell, Mr. Morrison, Mr. Richards, Mr. Ross, and Mr. Sherwood of Brockville.

Bill relating
to Lands
and Tenements.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to facilitate the leasing of Lands and Tenements. He accordingly presented the said Bill to the House, and the same

was received and read for the first time;¹

MR. J. CAMERON ... explained in a few words the object of the measure, which was to reduce the length and verbiage of these documents: also, some other bills to improve the practice of the law--especially one to amend the law of statute staple. He explained, that at present, when the Crown obtained rights over lands by record or specialty, although the Crown did not register the claim, it continued to be valid over any number of years, and though the lands had passed through the hands of several innocent purchasers in the meantime. The present bill, therefore, was intended to compel the Crown to register its claims in the same way as any other claimant: also, a bill to enable debtors to enter into composition with their creditors, by way of a substitute for a bankrupt law. By this bill the creditors might hold a meeting--resolve by a

majority of two-thirds to accept certain terms--appoint trustees to work the estate--and obtain the sanction of a judge, which should bind all parties to their agreement, without any deed or other expenses.²

(5)

and ordered to be read a second time, on Monday next.

Criminal Law
Amendment
Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall
have leave to bring in a Bill for the further
amendment of the administration of the Criminal
Law.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the thirtieth instant.

Deceased Per-
sons Estates
Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall
have leave to bring in a Bill for the better
administration of the Estates of Deceased Persons.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the twenty-ninth instant.

(6)

Bill relating to
Deeds creating
Debts to the
Crown.

Ordered, That the Honorable Mr. Cameron of Cornwall
have leave to bring in a Bill to compel the Regis-
tration of Deeds and Instruments creating Debts to
the Crown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the second of June next.

Merchants, &c.
Relief Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall
have leave to bring in a Bill for the relief of
Merchants, Traders and others.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the second of June next.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded
by the Honorable Mr. Price,
The House adjourned.

APPENDIX: 21 MAY 1851.

[NOTICE OF MOTION RE: AMENDMENT TO ADDRESS IN ANSWER TO
SPEECH FROM THRONE.]³

SIR A. MACNAB gave notice that he would move in amendment to the proposed address seconded by _____, that the twelfth paragraph thereof relating to the Clergy Reserves be left out, and the words--"That this House will not fail to give to the communication from Her Majesty's principal Secretary of State for the Colonies, on the subject of the Clergy Reserves, their best consideration, and to assure His Excellency that, while this House feels grateful to Her Majesty for having graciously received their address of last session on that subject, no extended power of legislation conferred on the House shall induce it to trench on vested rights, or divert from their original purpose the munificent grants of land made by Her Majesty's predecessors" be inserted instead thereof.

That the words, "due regard being had to the rights of individuals and the terms of acceptance of office," be inserted in the 14th paragraph thereof (relating to the Civil List); that for the words "such increase being based on the principle of population" the word province be substituted in the 15th paragraph thereof, (relating to the representation).⁴

[NOTICE OF MOTION RE: ELECTION OF SHERIFFS.]⁵

MR. MACKENZIE gave notice of a motion to bring in a bill to provide for the appointment of Sheriffs throughout Upper Canada, by freeholders, at periodical elections, for a term of years.⁶

[NOTICE OF MOTION RE: KINGSTON AND TORONTO JUNCTION RAILROAD
COMPANY.]

MR. SMITH gave notice of a motion to incorporate the Kingston and Toronto Junction Railroad Company.⁷

FOOTNOTES: 21 MAY 1851.

1. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 23 May 1851, and BRITISH COLONIST, 23 May 1851.
2. NORTH AMERICAN, 23 May 1851.
3. The following papers reported the debate on this amendment in identical accounts: MORNING CHRONICLE, 22 May 1851, BRITISH COLONIST, 23 May 1851, and JOURNAL DE QUEBEC, 22 May 1851. The debate was also reported by: NORTH AMERICAN, 23 May 1851; and OTTAWA CITIZEN, 31 May 1851.
4. MORNING CHRONICLE, 22 May 1851.
5. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 22 May 1851, NORTH AMERICAN, 23 May 1851, and BRITISH COLONIST, 23 May 1851. The debate was also reported by: EXAMINER, 28 May 1851; OTTAWA CITIZEN, 31 May 1851; JOURNAL DE QUEBEC, 22 May 1851; and L'AVENIR, 28 May 1851.
6. OTTAWA CITIZEN, 31 May 1851.
7. IBID.

THURSDAY, 22 MAY 1851.

(6)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Fortier,--The Petition of the Reverend P. de Villers and others, of the Township of Arthabaska, District of Three Rivers; the Petition of the Reverend Antoine Racine and others, of Stanford, Blanford, Bulstrode, and Maddington, District of Three Rivers; the Petition of P. Prince, Esquire, and others, of the Townships of Stanford and Blanford, District of Three Rivers; the Petition of Bernard Garraud and others, of the Township of Warwick, District of Three Rivers; Petition of M. Noel and others, of Arthabaska, Chester, and Warwick, District of Three Rivers; the Petition of Edouard G. Paradis and others, of the Township of Chester, District of Saint Francis; and the Petition of Ignace Portneuf and other Indians of Sault St. Louis, District of Montreal, and St. François, District of Three Rivers.

By Mr. Scott of Two Mountains,--The Petition of F. Papino and others, Chiefs and heads of families of the Indian Tribes of Algonquins and Nipissings, residing at the Lake of Two Mountains.

By the Honorable Mr. Merritt,--The Petition of M.L. Helliwell and others residing near the line of the Welland Canal.

By Mr. Laurin,--The Petition of Peter Paterson, Esquire, and others, Merchants, of Quebec; the Petition of Urbain Beaudet and others, of the Parish of St. Jean les Chaillons; and the Petition of the Reverend Edouard Faucher and others, of the Parish of St. Louis de Lotbinière.

By Mr. Smith of Durham,--The Petition of John G. Bowes, Esquire, and others, Heads of Municipalities in Upper Canada.

By Sir Allan N. MacNab,--The Petition of the Reverend Stephen Lett, L.L.D., and others, Clergy and Laity, Members of the United Church of England and Ireland, in the Diocese of Toronto.

By Mr. Chauveau,--The Petition of Edouard Robitaille and others, of Charlesbourg and other Parishes, County of Quebec; and the Petition of the Honorable F.W. Primrose and others, of the County of Quebec.

By Mr. Solicitor General Drummond,--The Petition of Stephen S. Foster, Esquire, President, and others, Directors, on behalf of the Shefford Academy.

By the Honorable Mr. Robinson,--The Petition of Prudence Richardson, of Barrie, County of Simcoe.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of N. McKinnon and others, Lumber Merchants, Mill-owners and others, of Bayham and surrounding Townships,--and of the Municipality of the Township of Bayham; praying the imposition of a certain export duty upon unmanufactured pine logs or timber destined for foreign markets.

Of the Municipality of the Township of Brock; praying that certain Townships in the said County be set apart as a new County.

Of the Mayor and Councillors of the City of Quebec; praying that a survey and estimate be made at Cap Rouge, and also at Deschambault, with a view to the erection of a Suspension Bridge across the River St. Lawrence at one of those points.

Of F. Boucher, Esquire, and others, of the Seignior of Maskinongé, County of St. Maurice; praying that the Act providing for the management of the Common of the said Seignior may be revived and amended.

Of Martin McKinnon, of the Township of Vaughan; complaining that injustice has been done with regard to a Rectory occupied by him, and praying relief,--and also

that the Rectories be abolished--the Clergy Reserve Lands sold for the benefit of Free Schools--and the Clergy of the Church of England placed on a footing with Ministers of other denominations, and chosen by their respective Congregations, and not by the Crown, either directly or indirectly.

Of W. Allison, Esquire, and others; praying the passing of an Act to protect Magistrates and Constables in the performance of their duties from vexatious Law Suits resulting therefrom.

Lunatic
Asylum.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Report of the Directors of the Provincial Lunatic Asylum, for the year 1850.

Appendix (C).

For the said Report, see Appendix (C).

Motion for an
Address.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Tuesday last proposed, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially unites in the satisfaction expressed by His Excellency in the general prosperity of the Province:

That they feel deeply grateful to the Almighty for the abundant crop of last year; and rejoice to learn that the Revenue from the Customs, and the traffic on the Provincial Canals, are steadily increasing, and that the Securities of the Province command a high price:

That they are glad to learn that the effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports; and they will not fail to give their best consideration to the Immigration Act with a view of removing any unnecessary impediments to the extension of this valuable branch of our Import Trade:

That it is a matter of congratulation that under these favorable circumstances the further improvement of the means of internal communication has recently engaged a large share of public attention: that in many parts of Western Canada capital has been applied extensively and with much advantage by

(7)

persons interested in the several localities, and by others to the construction of good country roads; and that measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway:

That Parliament having given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them, without impairing the Provincial Credit, or encouraging improvident speculation, this House is prepared, in any further legislation which it may be thought fit to adopt on this subject, to adhere to the principles of this judicious policy:

That this House feels much satisfaction in learning that a considerable increase in correspondence has taken place since the new Postage Law came into operation. This fact furnishes conclusive proof of the advantage accruing to the community from the measure, and warrants the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage:

That they are glad to learn that under the operation of the measures which have been recently adopted by the Legislatures of the several North American

Provinces, the inter-colonial trade is assuming proportions of increasing magnitude, and promises to become a considerable branch of our industry; and that they will not fail to consider with the greatest attention, as having an important bearing on this subject, the Despatch which His Excellency has been pleased to promise would be laid before them, in which Her Majesty's Principal Secretary of State for the Colonies submits for consideration, a proposal for the construction of a Railway between Halifax and Quebec or Montreal:

That they rejoice to learn that with a view to arranging the details of a scheme of arbitration for the settlement of the dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, and which has been productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims, His Excellency, in accordance with a suggestion made by the Secretary of State, requested the Lieutenant Governor of New Brunswick to meet him here for that purpose, and that there is reason to believe that the Report of the Arbitrators who were appointed in pursuance of the agreement entered into at that time by the Governments of the two Provinces will be presented at an early period:

That this House is glad to learn that, with the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which they feel assured will prove highly advantageous to the Shipping that frequents those waters:

That though it may be yet too early to speak with confidence of the results of the great Exhibition which is now being held in London, they feel a just pride in learning that from the reports which have reached His Excellency, he has reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. And they agree fully with His Excellency that much credit is due to those who have exerted themselves for the promotion of this object:

To assure His Excellency that this House feels grateful to Her Majesty for having graciously received their Address of last Session on the subject of the Clergy Reserves, and will not fail to give the communication from Her Majesty's Principal Secretary of State for the Colonies, stating the views of Her Majesty's Imperial Government on the subject of that Address, their best consideration:

That they will give to the Accounts of the Revenue and Expenditure of the Province, and to the Estimates of the year, when laid before them, their best attention; and that His Excellency may confidently rely on their making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit:

That this House will give its best attention to any measure that may be submitted to its consideration for effecting a reduction in any of the charges provided for by the Civil List Act of 1846, and they thank His Excellency for promising to lay before them the correspondence which has passed between this Government and the Secretary of State on the subject:

That this House will afford their best consideration to the important subject of an increase in the Parliamentary Representation of the Province, and to the expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with a view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer:

That this House feels deeply sensible, that as the Province advances in wealth and population, and the authority of the local Parliament is extended and

confirmed, the responsibilities which attach to Members of this Legislature become necessarily more onerous, and they rejoice with His Excellency in the assurance that the people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and to assure His Excellency that this House will earnestly endeavour, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

And the Question being again proposed:--The House resumed the said adjourned Debate.¹

MR. ROSS said, that in removing [sic] an address in answer to the Speech of his Excellency the Governor General, he desired to occupy no more time than was necessary to enable him to notice some of the points that were adverted to in that document. The speech itself embraces a variety of subjects, some referring to the actual condition of the country, and others relating to matter [sic] connected with the future², and then waving [sic] the discussion of social questions, such as would hereafter probably lead to angry debate, turned to those topics which related to the prosperity of the country.³ He believed that if the history of the country were ransacked, no period would be found in which the inhabitants had greater occasion to congratulate themselves upon its prosperity; and that if the speeches delivered by all the Governors General who have administered the Government of the Canadas for the last half century were examined, no one could be found equal to that by which the present session had been opened, in regard to the many and important matters connected with the advancement of the country, which it embraced.⁴ The crops last season were large⁵. The immense increase in the revenue of the country, derived from canals and customs, and the high position in which public credit stood in the estimation of other nations, were points from which all parties could not but derive satisfaction. But yesterday, our credit was at a very low ebb indeed, although, so far as he knew, the good faith of the Canadian people in all public and business relations had never been impeached. (Hear, hear.) One great boon that had been conferred since the last session was the reduction in the rate of postage⁶. Nothing could do more to encourage education and increase the spread of intelligence⁷ among all classes⁸, and this opened the bright prospect of a further reduction to [a] rate [of] one penny.⁹ The example of Great Britain in reducing the rate to one penny had been attended with the most beneficial results, and would, he trusted, ultimately be followed in Canada. The great disposition of our inhabitants to promote internal communication by railways had very properly been touched upon by His Excellency. Among the first of those projects in point of importance to the colony, is the railroad from Quebec to Halifax, and he trusted that it will speedily become part of a great trunk line, connecting the Atlantic with all the leading places in the province. (Hear.) The circumstances that have transpired in connection with this scheme, were an indication in his mind, that "the spirit of the dream" of England's statesmen towards British North America, has undergone an essential change. The growing tendency of some portions of the country towards Republicanism, has been dwelt upon on many occasions; and the best method of counteracting such tendency is to give encouragement to every plan that is calculated to bind together the interests of all the British North American Provinces. In the expressed willingness of England to aid the Halifax railroad, he recognized a strong disposition to retain the connexion with Canada, and to bind together the interests of the British American provinces: for the instant England determines to relinquish Canada, the other provinces, as well as her West India possessions, must follow--and away goes all her empire on this continent. This her states-

men seem to foresee, and the gigantic project of the contemplated highway affords the best evidence of their serious intention to make a stand against such a retrograde course. For his own part he conceived that we have the means of obtaining all the substantial advantages that are possessed in the neighboring republic¹⁰, such that Canadians could envy nothing in the United States. Canada, indeed, had much to be proud of¹¹. Considering the disadvantages with which we have had to contend in regard to climate and other things, Canada has exhibited a rapid and really substantial advancement. At present, Canada is undoubtedly the first colony in the British empire. She was the first to teach colonists their right to have constitutional government. Canada has been the pioneer of responsible government--of real representative government--throughout the British empire. (Hear.) She set an example which is now spreading, and the men who promoted it deserve well at the hands of their countrymen. In a national point of view, the contemplated railroad will be of great importance, as affording facilities for the introduction of troops into the country in the event of a war. He hoped, indeed, the days of gunpowder warfare were nearly over, pen and ink constitute the gunpowder of the nineteenth century. But still bearing in mind unfortunate contingencies, the fact that England will possess the means of sending troops to the utmost point of Canada within 15 or 18 days will operate in terrorem¹², like a flaming sword, guarding the territory¹³, to an extent equivalent to the saving of an immense expenditure in other directions.¹⁴ It had been found that the existing restrictions on the trade in emigrants were excessively onerous. It was now, therefore, proposed to give the authorities a discretionary power which would relieve shipmasters from the present great responsibilities in case of sick passengers.¹⁵ Passing to other parts of His Excellency's speech, he found an intimation with regard to the Reserves, but of a character which does not afford any indication of the policy to be pursued by the Government in reference to it. It appeared to him that it is competent in any constitutional government to dispose of questions of this nature, however much they may have been supposed to be questions of a very vexed character; and the representatives of the people of a free country cannot stultify themselves by confessing their inability to dispose satisfactorily of a question of a local nature. Surely this body is able and honest enough to deal with the Clergy Reserves; and he hoped that when brought forward the question will be treated in a manner that will reflect honor on the decision and character of the House. His Excellency has also noticed the proposed reduction of the Civil List, but it would be desirable to defer any discussion upon this matter until the despatches relating to it are before the House. Whatever reductions may take place, it is to be hoped that due regard will be paid to the wants of the public service. (Hear, hear.) The House must not be led away by the false cry that has been got up elsewhere, and which has been echoed here by individuals who, in their stump-oratory clamor for retrenchment, while their debates occupy the House for days, at an expense of £500 per day, thus reducing the character of the first deliberative body in the country to the standard of a mere political debating club¹⁶, a practice which he hoped would be discontinued.¹⁷ He was in favor of retrenchment, so far as it can be justly and properly effected, but he could not sanction any attempt to reduce to an undue extent the remuneration of efficient public officers. (Hear, hear.)¹⁸ The hon. member concluded by moving the Address.¹⁹

MR. MORRISON seconded the Address.²⁰

MR. MERRITT said he intended to avail himself of this opportunity to make some remarks, but with the leave of the House he would defer them until his

hon. friend the Inspector General--who had been unexpectedly called away as a witness to attend the Court--returned.²¹

MR. H. SHERWOOD suggested that the debate should be adjourned.²²

MR. AT. GEN. BALDWIN said the Inspector General had been called away unexpectedly and unavoidably, but would return very shortly.²³ La chambre attendit en silence environ dix minutes, après lesquelles M. Hincks entra.²⁴

MR. MERRITT then rose and stated, that with the permission of His Excellency, he²⁵ availed himself of the earliest opportunity to state the grounds on which he felt it his duty to retire from the Provincial Government. He might state with all sincerity that no person ever assumed the responsibilities of office with higher expectations²⁶ of usefulness,²⁷ and no person ever left them with greater regret at not having accomplished the objects for which he had undertaken this arduous duty²⁸, or more disappointment.²⁹ His expectations of usefulness were formed from a thorough knowledge of the capabilities and resources of this country, for he was satisfied that were these resources developed, and our expenses reduced, Canada might be made one of the most prosperous portions of North America. (Hear.) Few individuals have had better opportunities than himself of witnessing for the last 40 years the progress of this country. In 1811 the whole trade of the country bordering the northern and western lakes floated down to the markets of Montreal and Quebec. In a few short years we have seen that trade diverted from those ports to the port of New York. Formerly the productions of that country were tributary to our great natural water communication. Now, the productions of Canada are tributary to their narrow channels. (Hear.)³⁰ The consequences were felt through all the interests of the country.³¹ The same contrast may be instituted with reference to the agricultural, the manufacturing, the shipping and other interests, of the two countries³² on the opposite sides of the Lakes³³. We see one country, with no other revenue than that derived from its internal resources, increasing in population, in wealth, and prosperity with a rapidity that is unexampled. We see the other, with much greater internal resources, and with double the external revenue from imports, comparatively retrograding. In using the word retrograding as applied to Canada, he begged it to be understood that he was not comparing Canada now with what Canada was in bygone years³⁴, for that was impossible³⁵. Compared with the past, Canada has increased in wealth and population, and it is quite impossible that under any system of management she should not increase. But he desired to call attention to the difference visible in two countries, separated by a narrow boundary--in the same latitude, having the same soil, and capable of growing the same productions. To what cause is this contrast attributable? The answer is, to the difference in the financial policy of the two countries. There are other causes, but they are consequential or auxiliary. He maintained that from 1811 to the Union and from the time of the Union to the present day, the principle cause of the differences ...[has] been the system of finance established in the two countries. In 1811, after the Union of the Provinces, he attempted to guard against the undue expenditure which he then feared would take place in this country. At that time we enjoyed very light taxation both in Upper and Lower Canada. Our import duty amounted to $2\frac{1}{2}$ per cent ad valorem. In that year an additional tax of $2\frac{1}{2}$ per cent was proposed, for the purpose of carrying out improvements. He moved an amendment, with the view of appropriating the proceeds of tax to the payment of the debt then or thereafter to be contracted for the public works,³⁶ to pay, which it was professedly raised³⁷, and that amendment was³⁸ seconded by Mr. Nelson, and backed by³⁹ his hon. and learned friend the Attorney General, by the hon. Mr. Price, and by 14 members. He borrowed the principle from the leg-

islature of New York, with a view to impose a restriction on future expenditures. It was rejected, the argument against it being that we have a Responsible Government. Formerly it was said "there was a log-rolling system by which numbers were able to carry their objects without restraint, but now, the Government are responsible for our expenditure." (Hear, hear.) Well, what has been the result of this responsibility? The 2½ per cent then to be raised was for the purpose of carrying out public improvements and for no other. What has been its application? It has gone to sustain the expenditure of the most expensive government that--in proportion to the population--exists in any part of America. (Hear, hear.) The check imposed has proved to be inoperative. The system of which he complained commenced in the session of 1841, and was followed up by nearly all parties in the House.⁴⁰ The late member for Haldimand to whom he now desired to pay a tribute of the highest respect, obtained a grant for the Port Dover Road, and soon after Mr. Harrison began the system of local improvements.⁴¹ He recollected that his honorable friends the present Attorney General and the Commissioner of Crown Lands, were rendered the subjects of much hostile feeling⁴², and ... were near losing their seats⁴³ by voting for the bona fide checks which he proposed; so little idea had the people then of the corrupting tendency of the prevailing system. (Hear, hear.)⁴⁴ Corruptions had not got to the height it had now attained.⁴⁵ In 1844, he again called attention to the fact that the expenditure of our Provincial Government since the Union had been greater than the expenses of the two governments before the Union, and then pronounced the system of finance established under the Union Act, a failure. In 1846, he brought under the notice of the House the effects that might be expected to follow the change that had taken place in the colonial commercial policy of Great Britain, and maintained that that change has entailed upon us an absolute necessity for curtailing our public expenditure. Nevertheless, no steps were taken by the then government. In 1847, he again pointed out the operation of the amended Constitution adopted by the State of New York and of the principle of reducing its debt, with a view to its extinction in 1868. We had expended a large sum for the purpose of gaining the western trade, but the plan then adopted by New York is calculated in a few years to remove all tolls from their canals, and thus, by diverting trade from the country⁴⁶, by taking off almost all her tolls,⁴⁷ render our expenditure in a great measure unproductive⁴⁸, and he had pointed out how New York had changed her constitution in order that she might pay off her debt, by refusing to incur fresh debts. His warning was not attended.⁴⁹ In 1848 he had the honor of receiving an intimation that he was called upon to participate in the councils of his country. Before accepting the situation he addressed a letter to the head of the government, the Hon. Mr. Lafontaine,⁵⁰ which he would read. The hon. gentleman here read a letter to Mr. Lafontaine stating that he accepted office only with the view of carrying out certain measures which he was well known to have publicly advocated, viz.: the appropriation of the public lands for schools and⁵¹ the establishment of District Libraries--the immediate completion of our leading communications, and reducing the toll on the St. Lawrence on up and down freight to the standard of the Welland Canal, to obtain reciprocity for the natural productions of Canada and the coasting trade, as pointed out in his letter to Lord Elgin, in May last,--in short that he had advocated the removal of all restrictions on trade, reducing the duties on imports, thereby increasing the revenue from toll. With these changes, and due economy in the public expenditure, he entertained no doubt that the finances of this Province could within the same period be brought into as favorable a position as those of the ad-

joining Government.⁵² Here he would do his colleagues the justice to say that, knowing his views from the first⁵³, he was informed that every opportunity would be offered him to bring those various subjects under the consideration of the Government; therefore believing that connection with the Government would give to him the best opportunities of advancing these views, he accepted the offer; and he felt bound now to state that the Government have at all times afforded him every facility to explain and enforce his opinions; and to conduct investigations arising out of them. He mentioned this to show that he had never deviated from the opinions he had at first expressed, and also to rebut the rumour that had arisen with respect to his position in the Government.⁵⁴ The embarrassments of 1849 were well known⁵⁵. In 1849, his time was to a great extent consumed by his visit to Washington, and subsequently to Halifax, with his learned friend the Attorney General from Lower Canada, on the subject of reciprocity. No opportunity for carrying on his investigations presented itself until the Government was established in Toronto, in January 1850;--and after that--besides attending to his duties as president of the Committee of Council, he had ample opportunities to investigate every source of Revenue, and every object of expenditure; and in this labour he was incessantly engaged until April. He then represented to his colleagues that a change was in his judgment necessary in the financial system, and that a very large reduction in the public expenditure must be made. In this they did not concur, and his resignation became inevitable. It was proposed however, that the whole subject should be referred to a finance committee, composed of members from both sides of the house; and to that proposition he gladly acceded⁵⁶, for he admitted that he earnestly desired to remain in the government, in order, if possible, to carry out his views.⁵⁷ After that was settled, he accepted the situation of chief commissioner of public works, and⁵⁸ soon after⁵⁹ appealed to his constituents for the third time during the present Parliament, and was re-elected. He then stated, as now, that his colleagues were not opposed to retrenchment, but had determined as he then first announced to appoint a finance committee to be composed of the leading members of all parties, who would have an opportunity of thoroughly investigating and reporting on the subject (Mr. Perry, Mr. Boulton of Norfolk, Mr. Hopkins, and all those most anxious for retrenchment had been previously named for the Committee.) This public announcement gave general satisfaction, and the public waited patiently for the result. He had every confidence in their labours. Now, however, he must express his great regret at the result of the investigations of that committee. (Hear, hear.) The evidence was reported, it is true, but in a manner that had never come before the public to the present day⁶⁰, and which it would be long before the public understood.⁶¹ At the close of the session, his time was occupied with an examination of the public works, and with endeavours to ascertain the cause of the high rates of freight and insurance between Quebec and England,⁶² and New York and England,⁶³ and if possible to discover the reason why the trade had left the St. Lawrence and gone to the Hudson. His reports on that subject which will no doubt be laid upon the table, will enable the house to judge whether the public is likely to derive any advantage from that service. Immediately after his return, a minute of council was submitted, in which he could not concur, and he therefore felt it his duty to tender his resignation. As this minute has been printed and gone to the public, he trusted that his Memorandum which was made at the time, containing his reasons for not assenting to it, will also be laid before the House.⁶⁴ The minute of Council to which the hon. member referred, was that recently published along with the despatch from the Colonial office⁶⁵. In the mean time, in the absence of that Memorandum, he would briefly allude to the points in which he could not concur. The first was that in which the Committee of Council remarked that considerable reductions have been made in

the salaries of officers employed in the various public departments, and that these reductions have been generally approved. Now, with regard to the Customs Department, he held in his hand a statement of the amount of revenue derived from that source in 1840, when we received £233,486, the cost of collection being £11,720. This was before the Union. After the Union we added 100 per cent to the customs duties. In 1844, the amount of duties received was £419,772, the cost of collecting being £15,828. In 1848 the amount received was £300,000, and the cost of collection £33,756. (Hear, hear.) He did not speak so much of the⁶⁶ enormous increase in the burdens of the people⁶⁷ since the Union, as of the increased cost of collection⁶⁸ since the change in system, by which the Customs were transferred to the Provincial authorities.... Another point on which he differed from the minute was with reference to the public lands⁶⁹. The committee said they were not of opinion that any advantageous change can be made in the system of disposing of public lands. No person had had a better opportunity of investigating this subject than himself. In 1844, as chairman of a committee, he spent nearly three months in examining the revenues and expenditure connected with our public domain, and he did hope that the late Administration would have profited [sic] by the report then made. Before the Union, these lands paid their own expenses. Certain town reserves were sold for cash, which paid the expenses of the department. Since the Union, the proceeds of the lands have been consumed in the expenditure,⁷⁰ utterly wasted,⁷¹ (hear, hear), and the revenue from timber, amounting to £37,500, and other large sums derived from the leasing of lots, and so forth, have been thrown into the balance. (Hear.) And yet the Council assures the Home Government that these public lands are well managed. In the adjoining State, at a very early day, the proceeds of the public lands were appropriated to the education of the people, the formation of district libraries, and other literary objects, and they are now realizing nearly \$400,000 per year, from the interest on the capital thus invested, while we have wasted upwards of 35,000,000 acres of the public domain and have not got one farthing invested for any useful object. (Hear.) It was pretended that a debt had been paid⁷² by them--a debt to the U. E. Loyalists. That was an extraordinary argument. The debt was an [sic] useless one, of no advantage at all to the Loyalists; for,⁷³ though the original grants were properly made to the children of those who joined the royal standard in 1776--on condition of their settling those lands, the terms of settlement have been defeated and the lands transferred to the pockets of speculators. Since the Province has taken the management of the lands, an establishment has been created to issue scrip, to give additional facilities to speculators and on redeeming it--call it paying a debt--whereas if the lands had been given to those meritorious individuals on the original terms, the country would have been settled and the expense of this useless establishment saved. If, during the present session, he moved for any information it would be to ascertain the value of lands that we have given away since 1849. These grants were closed in 1843, but have been again opened, and⁷⁴ since 1849⁷⁵ we have⁷⁶ contrived to expend⁷⁷ almost all the public domain⁷⁸ which had gradually wasted away under the system begun in 1837⁷⁹, without deriving any earthly benefit. He maintained that it was the duty of the Government long since to have repealed all former acts relating to the granting of public lands--and to have established the same system of management which has produced such beneficial results in the adjoining country. The Minute next said that the Committee of Council are of opinion that the expenditure under the chief heads cannot be reduced without causing very great dissatisfaction.--From this opinion he also dissented, for⁸⁰ what were the facts?⁸¹ From the dissatisfaction among all men of business in 1849 during and after the session--the tone of almost the entire press in 1850⁸² when every newspaper cried out for retrenchment, and every election proved the feeling in favour of retrenchment

to be universal. Yet a despatch was sent to the Home Government saying that public dissatisfaction would be caused by retrenchment. In that he could not concur.⁸³ He thought it was a great mistake of his colleagues to assume that dissatisfaction would be occasioned by a reduction of expenditure. The fourth point in the minute referred to the proposed reduction of the salaries of judges and the executive council⁸⁴--to reduce the civil list. Now,⁸⁵ he denied the right of the Home Government placing that civil list on this country; originally it was done without our knowledge or consent, and contrary to the opinion expressed by the Legislative Assembly of Upper Canada. However, we passed a law in 1846, which tacitly assented to that policy and must adhere to it until legally amended, but he trusted the time was not far distant when we would not be compelled to appeal to England for such trifling reductions in the public expenditure. This minute does not define or show the amount of the reduction. Under the state Government, the Hon. Mr. Caley, then Inspector-General, proposed the enormous reduction of £2,552 15s. 1d. after the then present incumbents passed away.--We, however, have added for additional judges £7,500.--The reduction now proposed amounts to about £5,000,--consequently if we compare the civil list, as it was in 1846 with the reduction now to be made, it will appear that instead of a decrease, there will be an increase of £2,500--he was sadly disappointed at the manner in which the whole subject of retrenchment was alluded to in this minute⁸⁶ of Council⁸⁷. It recommends no change in our present financial system, no reduction in the public expenditure, it conveys⁸⁸ to Great Britain,⁸⁹ the impression that only a few aspirants for popular favor are clamoring for retrenchment, and it misrepresents public feeling in Upper Canada. He refrained from making any remarks on the present occasion on the dispatch of the Governor General of the 31st December or the reply of Lord Grey of 14th March, which had emanated from this minute, but he would say this, they have a most important bearing on the destinies of this province. From this brief narrative, it will be seen that no ill-feeling had existed between any one of his colleagues and himself.⁹⁰ They differed only on the points he had referred to.⁹¹ Had he resigned merely on the report of a Committee of the Legislative Assembly, for which the Government were not responsible, as many thought he ought to have done, before the amount of retrenchment which his colleagues were willing to recommend had been decided upon, he would have been censured for precipitancy, and had he not resigned after it had been so determined upon he would have been justly censured for having abandoned the principles⁹² that it had been the study of his political life uniformly to maintain.⁹³ (Hear.) Therefore, so far as his judgment went, he had been perfectly consistent in his course from the beginning to the end. He had uniformly advocated measures which he thought necessary for promoting the prosperity of the country, for developing its resources, for curtailing the public expenditure,⁹⁴ the application of the lands of the Province to specific objects,⁹⁵ with a view to improving our trade⁹⁶, in such a way as to improve the trade of the Province.⁹⁷

MR. MALLOCH asked if the hon. member agreed with the Ministry with regard to the establishment of the Court of Chancery?⁹⁸

MR. MERRITT said he was responsible for every act done by the Ministry while he was a member of it. (Hear.) Reverting again to the state of the country since the Union, he remarked that no Government⁹⁹ since the union¹⁰⁰ had given satisfaction, and believing that none can give satisfaction under the present system, he intended to submit¹⁰¹ to the public¹⁰² a proposal for changing the present system,¹⁰³ which he should be ready to do, so soon as he could have communication with those in whose judgment he could confide. It should be submitted during the present session, in a constitutional way to the House before

going to the country. He contemplated no less a remedy than a change in the constitution--a change which would introduce checks in the constitution to prevent the country from going farther into debt; and that there might be no doubt of his meaning he would state at once, that these checks were those introduced in the State of New York by the¹⁰⁴ seventh article of the Constitution of New York, which involves the necessity of an amendment of our Constitution, but the time and manner of bringing it before the public he had not yet decided upon; before this public explanation he was prohibited from communicating with a single individual, or consulting on the proper course to pursue, but this much he would say, that after the discussion takes place on the different projects before the public, he would bring it before the House during the present session. The principle he proposes, is nothing more or less than his Hon. friend the Attorney General¹⁰⁵ properly¹⁰⁶ introduced in his Municipal Bill, therefore it should not cause any apprehension. He would, however, assign one or two reasons why these checks are indispensable under the present Union Act. --First, from 1842, to 1848, there has been expended for the support of the Provincial Government &c. and in Public Works, yielding no return, near £700,000 per year. (Hear and cries of No.)¹⁰⁷

MR. INSP. GEN. HINCKS--That is more than the revenue of the Country.¹⁰⁸

MR. MERRITT.--He would refer to public documents to prove his assertion. He did not say that the revenues of the country amount to £700,000, but that the expenditure in administrative expenses, and on unproductive public works, amounts to that sum. By referring to tables, No. 16 in his evidence before the Finance Committee he would find that since the Union, the amount received from Customs and internal duties amounted to £4,217,023 to which add the amount borrowed, £4,250,000, and it gives an expenditure of near eight and one half Millions of Pounds, from this deduct the value of all our productive Provincial Works--upon the same principle as in New York, where the value of their Public Works are estimated equal to a capital invested at six per cent interest, and we will find that the inhabitants have and will be taxed for the expenses of the Provincial Government and other objects which yield no return for the capital so invested, a much larger sum,--an expenditure unprecedented in any other Country in the same time. The second reason is this, although the Government of New York have expended since 1817, \$88,000,000 on public works, this outlay was made on works which yielded a large profit, and has enabled them to reduce this debt to \$22,000,000 and from the superiority of their financial policy, they will create a revenue from toll [*sic*] which will repay the principal and interest of the entire debt in a few years and will leave their State Government free from tax, and their commerce free from tolls. It is, therefore, absolutely necessary that the finances of Canada should be placed in as favorable a footing, when that time arrives. He would next endeavour to point out the advantages which this policy would confer. No single State of the American Union or other part of the world is now in a more favourable position to avail themselves of the advantages of this policy than Canada. Inasmuch as our independent government to London performs precisely the same duties for an inhabitant of Canada as their independent government in Washington performs for a citizen residing in New York--and inasmuch as our independent government exacts no tax or compensation for the performance of that duty, while their independent government exacts the full amount of their external or Import Tax, and are compelled to keep up their expensive and annoying Customs establishments to pay the expenses of this second Government from which¹⁰⁹, under a proper system,¹¹⁰ we may be wholly relieved.¹¹¹ This of itself would relieve the people of Canada to the amount of £600,000 per annum; and would show the advantage of continuing the connection with Great Britain.¹¹² He would further remark, that

it was this obvious and clear distinction, between the relative duties of an independent and a Local Government, the one relating wholly to the support of the Military and Naval forces and foreign intercourse--the other to their immediate internal affairs--and the similarity of the duties of the different Provincial Governments in British North America and in the adjoining governments in the United States, which at an early day led him to the conclusion that Customs Duties ought and will be abandoned in all Colonies, and their local governments supported from their respective internal resources, and fortunately in Canada those resources are so abundant we need not resort to direct taxation, to effect that object. Our revenue from Public Works alone will soon be ample. The saving or pecuniary advantage the Province will realize, cannot be estimated, and can only be realized by a very few who have had the leisure opportunity, or inclination to give it attention. In the first place by gradually reducing the duties on Customs until the principal of the Public Debt is paid, and there [sic] removal thereafter with every other restriction on Trade, the whole of the Tax from this source in 1850, £815,000 be gained by the public. Secondly, it will secure the completion of all our unfinished Public Works, and open all our great leading water communications throughout the entire Province, and enable us to realize the same amount of Toll as in New York, which last year exceeded £750,000. This may and will be considered an excessive amount when the Toll on the St. Lawrence last year was only £15,000, but it is assuredly within our reach. By removing the bars at Prison Island, Split Rock¹¹³, and the Lower Lachine Rapids, which he said could be taken away for £10,000 and make [sic] a channel of ten feet [of] water from the Lakes to the sea¹¹⁴, a vessel laden with 10,000 bbls. of Flour may pass from Lake Ontario down to the Ocean without touching a single Canal or Lock in less time and for less expense than in any other part of the world, and by suitable encouragement for providing steamers, to lessen [the] price of ocean freights, we will have the cheapest, quickest, and best conveyance between the great West and Europe. By extending our ship canals on the St. Lawrence to Lake Champlain, the same vessel may reach White Hall, from whence there is an ascent of only 55 feet lockage in a distance of 75 miles to reach the navigable waters of the Hudson, which will command the greater part of the commercial intercourse between the Western States and the Port of New York, including the whole Eastern States and North American Provinces. If any member still doubts, he would assign another reason. Experience has proved since the opening of the Welland Canal this season, that a vessel can pass from Lake Erie to Ontario in one day and that the cost of conveying a bbl. of Flour exclusive of Toll will not exceed one cent, consequently the cost from Lake Erie to Champlain would be a mere item. With these facts, who can doubt that we can command a greater amount of Toll than New York, and with these prospects are we to continue to neglect the improvement of those natural advantages that providence has placed within our reach. The hon. member then returned to the question of the public lands. By abolishing the present system of management and introducing one which will limit the cost of the sales to six per cent,--we would ensure the payment of the Indian annuities, grants for literary institutes and Common Schools now paid from the Tax on Customs, amounting annually to £72,000. And by investing the capital realized from the sale of all Lands, in Loans to Railroad Companies and other productive Public Works--with undoubted security and making this Stock available for Banking purposes--an abundant Capital will be furnished for their own construction and a safe circulating medium for any branch of business. (Hear.)¹¹⁵ This was at present only done at an expense of two different sets of taxes--first the customs, and after direct taxation.¹¹⁶ He need not detain the House by enlarging upon these topics. No country under heaven possesses the natural advantages of Canada. All they required was the

reduction of the public expenditure and the ability to develop its natural resources--and apply them in aid of the general business of the county [sic]. It would give an impetus to agriculture, manufactures, and, every branch of trade, increase the value of property and every material which constitutes the wealth and ensures the prosperity of a country. It will effectually stop the cry for annexation¹¹⁷, for it was well understood by the people that if they once got under the government of the United States, they would necessarily have to pay for the general as well as the state of local government.¹¹⁸ No one would then want to join the United States, and to incur the expenses which follow connection with the Federal Government, to obtain the benefits which Great Britain extends to us without cost to ourselves.--In conclusion, he would only remark that much has been said with regard to his connection with certain parties or individuals. He had no connection with any person whatever, having felt it his duty to say nothing until after this public explanation. The only decision to which he had come with regard to his future course was, that he will support any measures that in his judgment are calculated to bring about those changes which he deemed absolutely necessary to promote the prosperity of the country. (Hear, hear.)¹¹⁹

MR. INSP. GEN. HINCKS said that it was not his intention on the present occasion to follow his hon. friend through all the various subjects to which he had thought proper to advert. He would discharge his duty by confining himself to circumstances connected with the resignation of office by that hon. gentleman. In resigning his seat he had no doubt the hon. member was activated by the best motives, and that he really sought the prosperity of the country. But he thought that every hon. member who heard the speech he (Mr. Merritt) had just delivered, must be satisfied that the differences between him and his¹²⁰ late colleagues¹²¹ was a total difference of opinion on the financial policy of the country, and not, as had been said, a difference of opinion upon the subject of retrenchment. On all occasions the difference on the subject of retrenchment has been brought forward. He had failed to discover that his hon. friend had proposed any scheme of retrenchment. He certainly did propose a fundamental change in the policy of the country. It was equally the same¹²² burden to the country¹²³ whether the money be raised by custom duties, as in the present system, or be raised by direct taxation, as was proposed by the hon. member. He has done us justice when he states that upon every occasion he found his colleagues were ready to listen, and were ready to entertain any project which he could suggest for abridging the expenditure of the country. He said this because many charges had been brought against the Ministry through the press and otherwise, about their anxiety to retain high salaries. With regard to these salaries, no selfish motives could be attached to the Ministry in differing from their hon. colleague, for in the reductions on their own salaries they were all perfectly agreed. Nor was there in the class of¹²⁴ non-political¹²⁵ salaries upon which there could be a difference of opinion, any tangible proposition ever brought forward so as to cause any division. The opposition of his hon. friend was on the subject of financial policy. He did not intend to follow his hon. friend through the various topics in reference to the history of the province, or whether the financial policy of this country is inferior or superior to that of the State of New York, but would commence at one of those points where the hon. gentleman found a difference between the Government and himself. In the minute of Council which contains his resignation, reference is made to the Customs, duties.--Now if there is one subject more than another upon which there is a great delusion in the public mind, it is relative to the subject of customs, duties. He felt bound to say that his honourable friend laboured under that delusion, and has been chiefly instru-

mental in bringing that delusion upon the public mind. He said the Customs Duties have gone on increasing since the Union, and conveys the impression that the burdens have been increased upon the people. He (Mr. H.) had taken a great deal of pain to ascertain the charges of duties upon the different tariffs, and on investigation he could say distinctly that the duties under the present tariff are very slightly increased upon the tariff adapted ten years previous, although you are made to believe they have increased from $2\frac{1}{2}$ to $12\frac{1}{2}$ per cent. But the hon. member seems only to have considered the duties levied ad valorem.¹²⁶ But the fact was, taking into consideration the whole tariff, the increase would be found to be utterly unworthy of notice as compared with that scale adopted ten years ago. To show this he went over several leading articles, as coffee, sugar, tea, &c. and pointed out that upon the quantities imported last year, the duties amounted to very much less than they would have done under the old tariff before Mr. Cayley's tariff of 1846.¹²⁷

Here he was interrupted by some hon. member asking whether he was considering the same quantities under each tariff.--128

MR. INSP. GEN. HINCKS proceeded--Certainly; it would be no comparison at all if the quantities were different. Hon. gentlemen will recollect that, under the said tariff, a differential duty of 5 per cent. was imposed on certain goods coming from the United States, and also, a charge of 10 per cent. increase on the ad valorem goods at the place of export¹²⁹, in order to calculate the duties.¹³⁰ The duty on wine was increased under the present tariff but less than gentlemen would believe. He was satisfied that if hon. gentleman [sic] will look closely into those duties, and take them all together, they would find that in the duty taken altogether, under the present tariff, compared with the one adopted at the time of the Union, there is not $\frac{1}{2}$ per cent of difference. That is a fact he was ready to substantiate. The tariff proposed by the hon. member for Huron, was a considerable reduction upon the previous one. The hon. member considered that the additional $2\frac{1}{2}$ per cent should be specifically applied to the interest upon the debt of the Province. The House did not think proper to adopt that amendment and he was prepared to show that if adopted it would have been useless, for this reason, the $2\frac{1}{2}$ per cent upon the advalorem [sic] duties would not have amounted to more than from £50,000 to £55,000 while the increase upon the debt¹³¹ for public works¹³² amounted to £130,000, and if any member had taken a greater part than another in increasing the debt, it has been the hon. member [who] just sat down, and it was very evident from what he said that he was not afraid to increase it some more. He would deny altogether that the Government was more expensive now than before the Union--that is to say, that the expenses have increased at a greater ratio than the vastly increased population. He would deny altogether the statement of his hon. friend with regard to customs duties is entirely mistaken, and over and over again had his colleagues pointed out, that the hon. gentleman is mistaken upon the customs duties.--In regard to the memorandum which the hon. gentleman submitted to the Government, he (Mr. H.) had replied to it by another, and he considered that it was understood that both should be withdrawn. He had no objection, however, that both should be made public, as they now might be.¹³³

MR. MERRITT here stated that his Memorandum was in answer to the minute giving his reasons for not concurring in it; that the paper alluded to by the Hon. Inspector General was a reply to his memorandum to which he intended to reply, but did not as it was withdrawn by the Inspector General.¹³⁴

MR. INSP. GEN. HINCKS was exceedingly sorry that there should be any difference of opinion on that point. He then read the note tendering the resignation of the hon. member, to which his memorandum had been a reply. The first question it referred [*sic*] to was the Custom Duties, shewing the increase in duties, and the increased expenditure in collecting them. As to the increase in the cost of collecting the Customs, he utterly denied that it had increased; on the contrary, many collectors now receive less than under the old system, for then the collectors obtained a great part of their emoluments from fees, which gave occasion to collusion and the admission of goods at less than the just duties. The greatest portion of the apparent increase of expenditure, too, between 1844 and 1848, took place at Montreal and Quebec, where there had been in fact no change of system, where, indeed, the Provincial Government had no authority at all. Even there, the difference was a mere matter of account, from the charges of two years being brought into one year. He admitted, however, that there had been a slight increase in the charges in Upper Canada, where the change had taken place, but that was only apparent [*sic*], as he could not tell what were the amount of fees formerly paid. He knew the hon. member desired to have only one or two ports of entry in all Upper Canada, and this would doubtless reduce the expenses, but the people of Upper Canada would never submit to that. They would not be deluded into being forced to two or three ports under the pretence of a trifling saving, in salaries. They were often taunted by reference to the United States, and to the superiority of their system, as being more economical in their financial arrangements than the Province of Canada, but the fact was that the cost of collecting the Customs in Canada were $3\frac{1}{2}$ per cent less than in the United States, and cheaper than in any other country in the world. There were officers in the United States' Customs who received more than the Canadian Judges. Mr. H. then alluded to the remarks made by the hon. gentleman on the Crown Lands Department, in reference to the grants made to the U. E. Loyalists. The only difference he said between Mr. M. and his colleagues was that they were determined to maintain the public faith¹³⁵ with regard to the claims of the U. E. loyalists.¹³⁶ The faith of the Crown had been pledged to give these grants, and he was determined that that faith should not be violated. They were not now treating of the question of passing the acts conferring these grants. They were already passed, and the debt was nearly extinguished. In the course of a few months more, there would be no more scrip remaining.¹³⁷ The next difference between the ministry and the hon. member had reference to surveys, and the manner in which these should be paid for.¹³⁸ Upon that proof there was a difference of opinion. His own opinion was, that surveys can be most advantageously managed in one of two ways; either by agreeing with parties to survey the lands, taking up their expenses in land itself, or else by placing the present land at the disposal of private competition, or chartered companies as the case may be. On this point the Legislative Council had expressed their opinions in favor of paying in money for the survey of lands in preference to paying it upon the land itself.¹³⁹ Here the hon. member read from [a] minute of Council, which condemned the proposal of paying for these in land, as being more expensive than paying for the same in money.¹⁴⁰ His own experience enabled him to say that it would be infinitely more expensive; and, in fact, any work whatever was always¹⁴¹ dearer when paid for in work than when paid in money. The hon. member proceeded to reply to Mr. Merritt's remarks with reference to Retrenchment.¹⁴² The member for Lincoln seems to entertain the idea that his colleagues did not wish to interfere with salaries, although they repeatedly expressed their anxiety to reduce the expenditure, and moreover, made a commencement by reducing their own salaries. Although he did not think it was a saving to the public to pay the salaries of their officers at a lower rate than they could get by prosecuting their own business¹⁴³, it frequently

happened that the officers of the government went into private houses because the remuneration they received from government was not sufficient.¹⁴⁴ He referred to one gentleman who was recommended as a great acquisition to the customs department, but who only remained six months, and then left it, because he could make a much better remuneration in another situation. But it was impossible that the plans proposed by the hon. member for Lincoln would effect any¹⁴⁵ real retrenchment.¹⁴⁶ In fact there was no scheme proposed; there was an entire change of policy proposed; but nothing calculated to effect retrenchment. It might be a difference of opinion, but he denied that it would be retrenchment. He has got the notion of making large reductions in the customs duties, and hopes to make it up by other means. There was no improvement in regard to education of charitable purposes, or anything of that kind, suggested by the member of [sic] Lincoln¹⁴⁷, whose schemes alarmed the government....He had always some new scheme in hands, and he might allude to one now for making further improvements in the navigation of the St. Lawrence, and which would require an immense amount of public money to carry out.¹⁴⁸ Everything must be laid out in some kind of public improvements, and these were generally in the water, some deep cut or other.¹⁴⁹ His (Mr. Hincks') opinion was, that the cutting down of salaries proposed by the hon. member would cause intense disgust in the public mind, and he could never agree to it.¹⁵⁰ He would not trespass further on their time.¹⁵¹ For the rest, the Ministry were sorry to find these differences of opinion between them and the hon. member for Lincoln, for they highly regarded him as a private man, and he had been a very effective¹⁵², persevering and efficient public officer.¹⁵³

SIR A. MACNAB said, no person held a higher opinion of the hon. member for Lincoln than he did. They had known each other for many years. But he did feel hurt when he heard his hon. friend upon every occasion drawing such disparaging comparisons between this country and the United States, without giving the slightest data, or anything like information that they might be enabled to understand the difference between his country and that. He could not agree with the hon. member for Lincoln, and he would be obliged if he would point out how this country is so much inferior to the several States of the Union. He would maintain that this country had advanced more rapidly, and they had done more to improve this country than the same number of inhabitants in any part of the continent of America. He held in his hand a paper drawn up at the instance of the Great Western Railway, which contained a great amount of information. It had been collected with a view to put down the false notions of those who are always disparaging their country that they may praise that of their neighbours. You never hear the people of America do so. They are continually glorifying themselves as the greatest of people under the sun, as able to beat all creation. He commended them for doing so. But it was not so with the public men of this country; and amongst these, there were none so fond of praising their neighbours at their own expense, as those whom he might term constitution mongers--men who are always endeavoring to improve the constitution or to make new ones. The hon. gentleman here read from the document [and] referred to a variety of statistics showing that the increase of the population of Canada had been much greater than that of any of the States of the Union.¹⁵⁴ Could the hon. member point out any State of the Union where the people had done so much as the people of Canada?¹⁵⁵ He would ask his friends to name any town with the same number of inhabitants as Toronto, where they have five chartered Banks that never failed. Where were they behind the Americans in regard to public improvements? In what respect were the States so far superior to this country? He called upon him to show where this could be.¹⁵⁶ He (Sir Allan) always felt afraid of constitution mongers. They never did any good. (Laughter.) In New Hampshire

they had not a town containing 10,000 inhabitants, but they had plenty containing 2,000. And in Massachusetts even they had very few towns that contained 10,000 inhabitants. He had made those statements from a paper that had been compiled by the Great Western Railway Company, in order to do away with the bad effects in England, of the constant efforts that were made to cry down this country, and extol the United States.¹⁵⁷ He must recollect that during [the] last session of Parliament they on his side of the House were obliged to take the responsibility of voting a large sum of money--upwards of £100,000 without the slightest information whatever before the House. They were obliged to do this or else take the responsibility of allowing the public works to go into confusion. When charges of this kind can be brought against him, he ought to consider the charges he makes against his neighbours. He talks of a communication between Lake Champlain and the Hudson. How is it intended to effect that improvement? and even if effected would it be of so great an advantage as he talks of. With regard to retrenchment, why did the hon. member not submit a better scheme. He (Sir A.) was prepared to go with the hon. member in any¹⁵⁸ good¹⁵⁹ scheme of retrenchment. But he was not prepared, for the sake of hunting up popularity abroad, to do what he considered to be wrong. He wished to know whether as a Minister of the Crown, at a thousand a-year, his hon. friend had made much money.¹⁶⁰ (Laughter.)¹⁶¹ He did not consider that £1000 a-year was too much salary for a Minister of the Crown¹⁶². (Loud cries of "hear" from the Ministerial side.)¹⁶³ Nor did he think this sum too high for a Judge¹⁶⁴, and he would tell the gentlemen opposite that they should never have consented to a reduction. If they felt that they were not worth £1000 a year, they should have left their situation and allowed gentlemen that were worth that salary to have taken their place.¹⁶⁵ The hon. and gallant Knight concluded with some general remarks, to the effect, that the monetary institutions of this Province were more stable than those of the United States. We had here no broken Banks.¹⁶⁶

MR. G. SHERWOOD did not find much to debate about in the Speech from the Throne, and had seldom known one that contained so little. The new Postal Law was undoubtedly one of the greatest boons that had been conferred upon the country; but the credit of it was not due to the present Ministry, but to the last. The hon. member for Simcoe was the first that broached it, in 1846. All the credit the present Ministry had was for taking up the matter where the last left it off. He read from the Mirror of Parliament, with a view of showing this. There was a subject upon which the people of the country were anxious they should legislate, and of which he found no mention in the Address--that was Protection to Home Manufactures. That would tell against the Ministry at the next elections. Men of all parties desired it, and would then vote for it. He should not then make any extended remarks, as the subject would come up again; but he could not let the occasion pass without recording his protest against the silence of the Speech from the Throne upon the subject.¹⁶⁷

MR. H. BOULTON replied at some length to what he termed the facetious remarks of the gallant knight from Hamilton, in reference to the Constitution-mongers. He believes [*sic*] that he was included in them. He referred at some length to the various changes that had taken place in the Government, and more particularly to the introduction of the system of Responsible Government, to show that the parties who effected that were also constitution-mongers.¹⁶⁸ He had no hesitation in pronouncing this system radically¹⁶⁹ defective¹⁷⁰. It threw the whole control of the purse of the country into the hands of a few men, who were nominally responsible to the country, but who in reality possessed no responsibility at all. The country did desire changes and¹⁷¹ would not be satisfied till they got them.¹⁷² As to the Legislative Council he would either have that body made

elective, or abolished altogether: it was much worse than nullity as at present constituted. The withdrawing of the troops from this colony in return for the payment of the salary of the Governor-General by the Imperial government was a little trick that would never have been thought of by the home government, and that was concocted by the Cabinet here. Withdrawing troops from the Colonies was a part of a general plan in contemplation by the government of England; and the experiment was to have been tried in the first place in Australia. As to the subject of Crown Lands, he did not believe the lands conferred upon militia did them any good. The scrip was issued and it went into the pockets of speculators and those for whom it was issued hardly got any benefit from it at all: £120,000 had been literally wasted. He held that no public money should be expended without the previous consent of parliament, and it should not be left to the discretion of any ministry to do so, he did not care who they were. He would himself not like to have such a responsibility thrown upon him. He referred to the two Attorneys-General, and accused the present incumbents with being the first in Canada who had never performed the duties of their offices in the courts. He spoke under their own correction and would withdraw his accusation if they only stated it was not true. The Attorney General for Canada East, especially, he had never heard of as having even been on the inside of a court. Now such a precedent as that was dangerous. He should like to know if they were engaged in other and more useful duties, as if they were he would prefer that they should be called by some other name, and other men appointed for ... conducting the criminal business of the country. He condemned the system of the office of Attorney General being made the stepping stone to the highest judicial offices in the country, as the Council table was not the best school to fit them for deciding upon the lives and properties of men. He did not make these remarks to be personally offensive to the hon. gentlemen opposite, but he only spoke of them as public men, and in support of a principle he held. He observed that he was not obnoxious to the sneer of being a constitution monger, and he would prefer that hon. members should answer his arguments instead of sneering at them. And with regard to Retrenchment, he was, as it was well known, in favour of it; but he did not wish to cut down the salaries of public officers so low that they could not live. But, on the other hand, the expenses of our Government were enormously too high. He considered the action of the Finance Committee last session as most discreditable. With regard to judicial reforms, he should not then enter upon that subject, as he proposed to introduce a measure, when he would enlarge upon it. He did not think it was worth while to offer any amendments to the address, as it was so complete an echo of the speech, that it committed the House to nothing, and it was of no use debating it even.¹⁷³

MR. LETELLIER (in French)--With regard to land scrip, observed that because some of it went into the hands of speculators, and frauds were committed, that was no reason of depriving innocent persons of their rights: he would rather pass a law to prolong the time for the recovery of Scrip. He regretted that the Speech from the throne made no allusion to the reform of the Seigniorial tenure, as that was so loudly called for. And after all that had been said upon the subject of an elective Legislative Council, he did not think that so important a subject should have been passed over in silence.¹⁷⁴

(7)

And the Question being put;

Resolution for
Address.

Resolved, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne

at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially unites in the satisfaction expressed by His Excellency in the general prosperity of the Province:

That they feel deeply grateful to the Almighty for the abundant crop of last year; and rejoice to learn that the Revenue from the Customs, and the traffic on the Provincial Canals, are steadily increasing, and that the Securities of the Province command a high price:

That they are glad to learn that the effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports; and they will not fail to give their best consideration to the Immigration Act with a view of removing any unnecessary impediments to the extension of this valuable branch of our Import Trade:

That it is a matter of congratulation that under these favorable circumstances the further improvement of the means of internal communication has recently engaged a large share of public attention: that in many parts of Western Canada capital has been applied extensively and with much advantage by persons interested in the several localities, and by others to the construction of good country roads; and that measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway:

(8)

That Parliament having given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them, without impairing the Provincial Credit, or encouraging improvident speculation, this House is prepared, in any further legislation which it may be thought fit to adopt on this subject, to adhere to the principles of this judicious policy:

That this House feels much satisfaction in learning that a considerable increase in correspondence has taken place since the new Postage Law came into operation. This fact furnishes conclusive proof of the advantage accruing to the community from the measure, and warrants the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage:

That they are glad to learn that under the operation of the measures which have been recently adopted by the Legislatures of the several North American Provinces, the inter-colonial trade is assuming proportions of increasing magnitude, and promises to become a considerable branch of our industry; and that they will not fail to consider with the greatest attention, as having an important bearing on this subject, the Despatch which His Excellency has been pleased to promise would be laid before them, in which Her Majesty's Principal Secretary of State for the Colonies submits for consideration, a proposal for the construction of a Railway between Halifax and Quebec or Montreal:

That they rejoice to learn that with a view to arranging the details of a scheme of arbitration for the settlement of the dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, and which has been productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims, His Excellency, in accordance with a suggestion made by the Secretary of State, requested the Lieutenant Governor of New Brunswick to meet him here for that purpose, and that there is reason to believe that the Report of the Arbitrators who were appointed in pursuance of the agreement entered into at that time by the Governments of the two Provinces will be presented at an early period:

That this House is glad to learn that, with the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which they feel as-

sured will prove highly advantageous to the Shipping that frequents those waters:

That though it may be yet too early to speak with confidence of the results of the great Exhibition which is now being held in London, they feel a just pride in learning that from the reports which have reached His Excellency, he has reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. And they agree fully with His Excellency that much credit is due to those who have exerted themselves for the promotion of this object:

To assure His Excellency that this House feels grateful to Her Majesty for having graciously received their Address of last Session on the subject of the Clergy Reserves, and will not fail to give the communication from Her Majesty's Principal Secretary of State for the Colonies, stating the views of Her Majesty's Imperial Government on the subject of that Address, their best consideration:

That they will give to the Accounts of the Revenue and Expenditure of the Province, and to the Estimates of the year, when laid before them, their best attention; and that His Excellency may confidently rely on their making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit:

That this House will give its best attention to any measure that may be submitted to its consideration for effecting a reduction in any of the charges provided for by the Civil List Act of 1846, and they thank His Excellency for promising to lay before them the correspondence which has passed between this Government and the Secretary of State on the subject:

That this House will afford their best consideration to the important subject of an increase in the Parliamentary Representation of the Province, and to the expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with the view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer:

That this House feels deeply sensible, that as the Province advances in wealth and population, and the authority of the local Parliament is extended and confirmed, the responsibilities which attach to Members of this Legislature become necessarily more onerous, and they rejoice with His Excellency in the assurance that the people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and to assure His Excellency that this House will earnestly endeavour, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

Committee to
draw up Ad-
dress.

Resolved, That the said Resolution be referred to a Select Committee composed of the Honorable Mr. Attorney General Baldwin, Mr. Ross, Mr. Morrison, Sir Allan N. MacNab, and Mr. Dickson, to prepare

and report the draught of an Address in answer to the Speech of His Excellency the Governor General to both Houses of the Legislature, in conformity with the said Resolution.

Ordered, That the Speech of His Excellency the Governor General be referred to the said Committee.

Address
reported.

The Honorable Mr. Attorney General Baldwin reported from the Select Committee appointed to draw up an Address to His Excellency the Governor General, that they had drawn up an Address accordingly; and the same was read, as followeth:-

To His Excellency The Right Honorable James Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Commons of Canada in Parliament assembled, humbly beg leave to thank Your Excellency for your gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament.

We assure Your Excellency that this House cordially unites in the satisfaction expressed by Your Excellency in the general prosperity of the Province.

We feel deeply grateful to the Almighty for the abundant crop of last year, and rejoice to learn that the Revenue from the Customs and the traffic on the Provincial Canals are steadily increasing, and that the Securities of the Prov-

(9)

ince command a high price.

We are glad to learn that the effect of recent changes in the Imperial Navigation Law is also beginning to be felt in the more frequent resort of Foreign Shipping to our Sea Ports; and we will not fail to give our best consideration to the Immigration Act with a view of removing any unnecessary impediments to the extension of this valuable branch of our Import Trade.

It is a matter of congratulation that under these favorable circumstances the further improvement of the means of internal communication has recently engaged in a large share of public attention: that in many parts of Western Canada capital has been applied extensively and with much advantage by persons interested in the several localities and by others to the construction of good country roads; and that measures have been taken in both sections of the Province with the view of pressing forward important lines of Railway.

Parliament having given proof of its disposition to afford to undertakings of this description, which are calculated to be beneficial to the Province, such aid as can be properly given to them, without impairing the Provincial Credit, or encouraging improvident speculation, this House is prepared, in any further legislation which it may be thought fit to adopt on this subject, to adhere to the principles of this judicious policy.

This House feels much satisfaction in learning that a considerable increase in correspondence has taken place since the new Postage Law came into operation. This fact furnishes conclusive proof of the advantage accruing to the community from the measure, and warrants the expectation that the receipts of the Department will before long recover from the depression consequent on the adoption of greatly reduced rates of postage.

We are glad to learn that under the operation of the measures which have been recently adopted by the Legislatures of the several North American Provinces, the inter-colonial trade is assuming proportions of increasing magnitude, and promises to become a considerable branch of our industry; and we will not fail to consider with the greatest attention, as having an important bearing on this subject, the Despatch which Your Excellency has been pleased to promise would be laid before them, in which Her Majesty's Principal Secretary of State for the Colonies submits for consideration, a proposal for the construction of a Railway between Halifax and Quebec or Montreal.

We rejoice to learn that with a view to arranging the details of a scheme of arbitration for the settlement of the dispute respecting Boundary, which has been so long pending between Canada and New Brunswick, and which has been

productive of much inconvenience to both Provinces, and of no small hardship to those who are interested in the Territory which is the subject of conflicting claims, Your Excellency, in accordance with a suggestion made by the Secretary of State, requested the Lieutenant Governor of New Brunswick to meet Your Excellency here for that purpose, and that there is reason to believe that the Report of the Arbitrators who were appointed in pursuance of the agreement entered into at that time by the Governments of the two Provinces will be presented at an early period.

This House is glad to learn that, with the concurrence of the Executive of this Province, permission has been granted by Her Majesty's Imperial Government to the Government of the United States to erect a Light House on the Horse-shoe Reef in the Niagara River, at the outlet of Lake Erie, which they feel assured will prove highly advantageous to the Shipping that frequents those waters.

Though it may be yet too [sic] early to speak with confidence of the results of the great Exhibition which is now being held in London, we feel a just pride in learning that from the reports which have reached Your Excellency, you have reason to hope that Canadian produce and industry will be found to have been not unworthily represented on this interesting occasion. And we agree fully with Your Excellency that much credit is due to those who have exerted themselves for the promotion of this object.

We beg to assure Your Excellency that this House feels grateful to Her Majesty for having graciously received their Address of last Session on the subject of the Clergy Reserves, and will not fail to give the communication from Her Majesty's Principal Secretary of State for the Colonies, stating the views of Her Majesty's Imperial Government on the subject of that Address, their best consideration.

They also assure Your Excellency that they will give to the Accounts of the Revenue and Expenditure of the Province, and to the Estimates of the year, when laid before them, their best attention; and that Your Excellency may confidently rely on their making the necessary provision for the exigencies of the Public Service and the maintenance of the Provincial Credit.

This House will give its best attention to any measure that may be submitted to its consideration for effecting a reduction in any of the charges provided for by the Civil List Act of 1846, and they thank Your Excellency for promising to lay before them the correspondence which has passed between this Government and the Secretary of State on the subject.

This House will afford their best consideration to the important subject of an increase in the Parliamentary Representation of the Province, and to the expediency of amending the School and Municipal Laws of Eastern Canada in some of their details, with a view of securing in a more ample manner for that section of the Province, the benefits which these enactments are designed to confer.

This House feels deeply sensible, that as the Province advances in wealth and population, and the authority of the local Parliament is extended and confirmed, the responsibilities which attach to Members of this Legislature become necessarily more onerous, and they rejoice with Your Excellency in the assurance that the people of Canada, while they justly appreciate the requirements of an age of progress, are attached to their institutions and faithful to their early traditions; and assure Your Excellency that they will earnestly endeavour, in humble reliance on the Divine Blessing, to promote in this spirit their best interests.

Address
agreed to.

And the said Address, being read a second time,
was agreed to.

Ordered, That the said Address be engrossed.

Ordered, That the said Address be presented to His Excellency the Governor General by the whole House.

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do wait upon His Excellency the Governor General to know His Excellency's pleasure when he will be attended by this House with its Address.

His Excellency
appoints to be
attended.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency the Governor General will receive the House with its Address in answer to His Excellency Speech at the opening of the

(10)

present Session, to-morrow, at half-past three o'clock, P.M., at the Government House.

Then, on motion of Mr. DeWitt, seconded by the Honorable Mr. Price,
The House adjourned.

APPENDIX: 22 MAY 1851.

[NOTICE OF MOTION RE: RETURN OF POST OFFICES.]¹⁷⁵

MR. MACKENZIE by permission of the House, gave notice of a motion for a return of all Post Offices, and where situated, of all Post Masters, the Clerks employed in the post offices, the number of letters sent, and other minor information relative to postal matters.¹⁷⁶

FOOTNOTES: 22 MAY 1851.

1. The following papers reported the debate on this matter in partially identical accounts: NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 30 May 1851, OTTAWA CITIZEN, 31 May 1851, and LA MINERVE, 30 May 1851. The debate was also reported by: BRITISH COLONIST, 23 May 1851; MONTREAL GAZETTE, 27 May 1851; EXAMINER, 28 May 1851; and JOURNAL DE QUEBEC, 27 May 1851. The debate was briefly noted in the following papers in identical accounts: PILOT, 24 May 1851, MONTREAL TRANSCRIPT, 24 May 1851, BRITISH WHIG, 24 May 1851, MORNING CHRONICLE, 26 May 1851, and LA MINERVE, 26 May 1851.
2. NORTH AMERICAN, 30 May 1851.
3. BRITISH COLONIST, 23 May 1851.
4. NORTH AMERICAN, 30 May 1851.
5. BRITISH COLONIST, 23 May 1851.
6. NORTH AMERICAN, 30 May 1851.
7. BRITISH COLONIST, 23 May 1851.
8. NORTH AMERICAN, 30 May 1851.
9. BRITISH COLONIST, 23 May 1851.
10. NORTH AMERICAN, 30 May 1851.
11. BRITISH COLONIST, 23 May 1851.
12. NORTH AMERICAN, 30 May 1851.
13. BRITISH COLONIST, 23 May 1851.
14. NORTH AMERICAN, 30 May 1851.
15. BRITISH COLONIST, 23 May 1851.
16. NORTH AMERICAN, 30 May 1851.
17. EXAMINER, 28 May 1851.
18. NORTH AMERICAN, 30 May 1851.
19. BRITISH COLONIST, 23 May 1851.
20. IBID.
21. NORTH AMERICAN, 30 May 1851.
22. IBID.
23. IBID.
24. JOURNAL DE QUEBEC, 27 May 1851.
25. BRITISH COLONIST, 23 May 1851.
26. NORTH AMERICAN, 30 May 1851.
27. BRITISH COLONIST, 23 May 1851.
28. NORTH AMERICAN, 30 May 1851.
29. BRITISH COLONIST, 23 May 1851.
30. NORTH AMERICAN, 30 May 1851.
31. BRITISH COLONIST, 23 May 1851.
32. NORTH AMERICAN, 30 May 1851.
33. BRITISH COLONIST, 23 May 1851.
34. NORTH AMERICAN, 30 May 1851.
35. BRITISH COLONIST, 23 May 1851.
36. NORTH AMERICAN, 30 May 1851.
37. BRITISH COLONIST, 23 May 1851.
38. NORTH AMERICAN, 30 May 1851.
39. BRITISH COLONIST, 23 May 1851.
40. NORTH AMERICAN, 30 May 1851.
41. BRITISH COLONIST, 23 May 1851.
42. NORTH AMERICAN, 30 May 1851.
43. BRITISH COLONIST, 23 May 1851.
44. NORTH AMERICAN, 30 May 1851.
45. BRITISH COLONIST, 23 May 1851.

46. NORTH AMERICAN, 30 May 1851.
47. BRITISH COLONIST, 23 May 1851.
48. NORTH AMERICAN, 30 May 1851.
49. BRITISH COLONIST, 23 May 1851.
50. NORTH AMERICAN, 30 May 1851.
51. BRITISH COLONIST, 23 May 1851.
52. NORTH AMERICAN, 30 May 1851.
53. BRITISH COLONIST, 23 May 1851.
54. NORTH AMERICAN, 30 May 1851.
55. BRITISH COLONIST, 23 May 1851.
56. NORTH AMERICAN, 30 May 1851.
57. BRITISH COLONIST, 23 May 1851.
58. NORTH AMERICAN, 30 May 1851.
59. BRITISH COLONIST, 23 May 1851.
60. NORTH AMERICAN, 30 May 1851.
61. BRITISH COLONIST, 23 May 1851.
62. NORTH AMERICAN, 30 May 1851.
63. BRITISH COLONIST, 23 May 1851.
64. NORTH AMERICAN, 30 May 1851.
65. BRITISH COLONIST, 23 May 1851.
66. NORTH AMERICAN, 30 May 1851.
67. BRITISH COLONIST, 23 May 1851.
68. NORTH AMERICAN, 30 May 1851.
69. BRITISH COLONIST, 23 May 1851.
70. NORTH AMERICAN, 30 May 1851.
71. BRITISH COLONIST, 23 May 1851.
72. NORTH AMERICAN, 30 May 1851.
73. BRITISH COLONIST, 23 May 1851.
74. NORTH AMERICAN, 30 May 1851.
75. BRITISH COLONIST, 23 May 1851.
76. NORTH AMERICAN, 30 May 1851.
77. BRITISH COLONIST, 23 May 1851.
78. NORTH AMERICAN, 30 May 1851.
79. BRITISH COLONIST, 23 May 1851.
80. NORTH AMERICAN, 30 May 1851.
81. BRITISH COLONIST, 23 May 1851.
82. NORTH AMERICAN, 30 May 1851.
83. BRITISH COLONIST, 23 May 1851.
84. NORTH AMERICAN, 30 May 1851.
85. BRITISH COLONIST, 23 May 1851.
86. NORTH AMERICAN, 30 May 1851.
87. BRITISH COLONIST, 23 May 1851.
88. NORTH AMERICAN, 30 May 1851.
89. BRITISH COLONIST, 23 May 1851.
90. NORTH AMERICAN, 30 May 1851.
91. BRITISH COLONIST, 23 May 1851.
92. NORTH AMERICAN, 30 May 1851.
93. BRITISH COLONIST, 23 May 1851.
94. NORTH AMERICAN, 30 May 1851.
95. BRITISH COLONIST, 23 May 1851.
96. NORTH AMERICAN, 30 May 1851.
97. BRITISH COLONIST, 23 May 1851.
98. NORTH AMERICAN, 30 May 1851.
99. IBID.
100. BRITISH COLONIST, 23 May 1851.
101. NORTH AMERICAN, 30 May 1851.

102. BRITISH COLONIST, 23 May 1851.
103. NORTH AMERICAN, 30 May 1851.
104. BRITISH COLONIST, 23 May 1851.
105. NORTH AMERICAN, 30 May 1851.
106. BRITISH COLONIST, 23 May 1851.
107. NORTH AMERICAN, 30 May 1851.
108. IBID.
109. IBID.
110. BRITISH COLONIST, 23 May 1851.
111. NORTH AMERICAN, 30 May 1851.
112. BRITISH COLONIST, 23 May 1851.
113. NORTH AMERICAN, 30 May 1851.
114. BRITISH COLONIST, 23 May 1851.
115. NORTH AMERICAN, 30 May 1851.
116. BRITISH COLONIST, 23 May 1851.
117. NORTH AMERICAN, 30 May 1851.
118. BRITISH COLONIST, 23 May 1851.
119. NORTH AMERICAN, 30 May 1851.
120. IBID.
121. BRITISH COLONIST, 23 May 1851.
122. NORTH AMERICAN, 30 MAY 1851.
123. BRITISH COLONIST, 23 May 1851.
124. NORTH AMERICAN, 30 May 1851.
125. BRITISH COLONIST, 23 May 1851.
126. NORTH AMERICAN, 30 May 1851.
127. BRITISH COLONIST, 23 May 1851.
128. NORTH AMERICAN, 30 May 1851.
129. IBID.
130. BRITISH COLONIST, 23 May 1851.
131. NORTH AMERICAN, 30 May 1851.
132. BRITISH COLONIST, 23 May 1851.
133. NORTH AMERICAN, 30 May 1851.
134. IBID.
135. IBID.
136. BRITISH COLONIST, 23 May 1851.
137. NORTH AMERICAN, 30 May 1851.
138. BRITISH COLONIST, 23 May 1851.
139. NORTH AMERICAN, 30 May 1851.
140. BRITISH COLONIST, 23 May 1851.
141. NORTH AMERICAN, 30 May 1851.
142. BRITISH COLONIST, 23 May 1851.
143. NORTH AMERICAN, 30 May 1851.
144. BRITISH COLONIST, 23 May 1851.
145. NORTH AMERICAN, 30 May 1851.
146. BRITISH COLONIST, 23 May 1851.
147. NORTH AMERICAN, 30 May 1851.
148. BRITISH COLONIST, 23 May 1851.
149. NORTH AMERICAN, 30 May 1851.
150. BRITISH COLONIST, 23 May 1851.
151. NORTH AMERICAN, 30 May 1851.
152. BRITISH COLONIST, 23 May 1851.
153. NORTH AMERICAN, 30 May 1851.
154. IBID.
155. BRITISH COLONIST, 23 May 1851.
156. NORTH AMERICAN, 30 May 1851.
157. BRITISH COLONIST, 23 May 1851.
158. NORTH AMERICAN, 30 May 1851.

159. BRITISH COLONIST, 23 May 1851.
160. NORTH AMERICAN, 30 May 1851.
161. BRITISH COLONIST, 23 May 1851.
162. NORTH AMERICAN, 30 May 1851.
163. BRITISH COLONIST, 23 May 1851.
164. IBID.
165. NORTH AMERICAN, 30 May 1851.
166. BRITISH COLONIST, 23 May 1851.
167. NORTH AMERICAN, 30 May 1851.
168. IBID.
169. BRITISH COLONIST, 23 May 1851.
170. NORTH AMERICAN, 30 May 1851.
171. BRITISH COLONIST, 23 May 1851.
172. NORTH AMERICAN, 30 May 1851.
173. BRITISH COLONIST, 23 May 1851.
174. IBID.
175. The following papers reported this notice of motion in identical accounts:
NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851. The debate
was also reported by: BRITISH COLONIST, 23 May 1851; EXAMINER, 28 May 1851;
L'AVENIR, 28 May 1851; and LA MINERVE, 30 May 1851.
176. BRITISH COLONIST, 23 May 1851.

FRIDAY, 23 MAY 1851.

(10)

The House at-
tend His Ex-
cellency with
their Address.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency the Governor General, with the Address of the House.

And being returned;

Mr. Speaker reported, That the House had attended upon His Excellency with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, to which His Excellency was pleased to make the following Answer:--

Gentlemen of the Legislative Assembly,

I receive with much satisfaction your loyal Address, and I thank you sincerely for the assurance which it affords me of your cordial assistance in promoting measures for advancing the best interests of the Province.

Report of
Librarian.

Mr. Speaker communicated to the House, a Report received from the Librarian, of the present state of the Library of the House, pursuant to a Standing Order of the 19th June, 1841; which Report is as followeth:--

The Librarian has the honor to submit the following Report:--

In the past Session of the Provincial Legislature a sum of Two thousand pounds was voted by Your Honorable House for the reconstruction of the Parliamentary Library; which sum, it was further ordered, should be expended under the authority of the Honorable The Speaker, in conjunction with the Honorable The Speaker of the Legislative Council.

In pursuance of this direction, Lists of Books in various departments of Literature were prepared, during the Recess, and placed in the hands of Agents to be sent to Europe for the purchase of the different works named therein. None of these have yet been received, but as they have been directed to be sent with all convenient speed, it is hoped that they may arrive early in the present Session.

Presents of legal, parliamentary, and miscellaneous Works have been received, since the last Session of Your Honorable House, from the Congress of the United States at Washington, and the States of Vermont and New York, and from the Province of Prince Edward's Island, Lists of which are included in Appendix A, to this Report.

In return for these donations, copies of the Journals of Your Honorable House, with the Appendices of the past Session, and such other parliamentary publications of our Provincial Legislature as were available, have been transmitted, under the authority of the Clerk of the Assembly, to the Library of Congress, and the State Library of Vermont.

Pursuant to a Resolution and Order of Your Honorable House, upon the recommendation of the Joint Committee on the Library, tenders were advertized for, and a contract made, for the binding of the Journals of the Imperial House of Commons, and also the Votes and Proceedings of that body, presented to the Library in the year 1850. The lowest tender for the same having been made by Messrs. Armour & Ramsay, the work was entrusted to them, and it has been executed in a manner highly advantageous and satisfactory.

During the Recess some purchases have been made, of trifling amount, consisting of extra copies of the Journals, to replace broken sets; a copy, unique, and nearly complete, of the Official Gazette of Upper Canada, to the period of its discontinuance; a few Dictionaries, and other works of paramount utility. A List of these will be found annexed to this Report, marked A.

Out of the appropriation of last year, a sum of about Two hundred and seventy pounds has been set apart, under the authority of the Speakers of both Houses, for obtaining Works on the History of Canada and America, to replace in part the valuable

collection formerly made under the superintendence of Mr. Faribault. The procuring of these Books has been again entrusted to this gentleman, with a conviction that it could not have been left in better hands. Most of the works selected by him have been already received, and are enumerated in Appendix B, at the end of this Report. The remainder may be expected to arrive in due course.

The number of Volumes at present in the Library, (exclusive of the American collection, which still remains at Quebec,) may be estimated at about 3,500; the whole of which are in good preservation.

All which is most respectfully submitted.

WILLIAM WINDER,
Librarian, Legislative Assembly.

Parliamentary Library,
21st May, 1851.

APPENDIX A

List of Books added to the Library since the date
of the last Sessional Report of the Librarian.

Presented by the Honorable H.J. Boulton, M.P.P.

Statutes of State of New York, for 1847, 2 vols.

Statuts Révisés du Bas Canada; avec Tables. 2 vols.

Charlemagne: Poëm, par L. Bonaparte. 1814.

Chappel's Voyage to Newfoundland and Labrador. 1818.

Haliburton's History of Nova Scotia. 2 vols. 1829.

Boulton's (H.J.) Sketch of Upper Canada. 1826.

Trials arising out of disputes between Lord Selkirk and the North-West
Company. 1819.

Epitome of Laws of Nova Scotia. 1 vol. 1832.

Presented by the Hon. W.B. Robinson, M.P.P.

Mirror of Parliament of Canada, for 1846.

Donation from Legislative Council of Nova Scotia.

Laws of Nova Scotia, from 1758 to 1850. 8 vols.

Journals of Legislative Council of Nova Scotia, from 1838 to 1850. 13 vols.

Donation from the Legislature of Prince Edward's Island.

Journals of the Legislative Council of Prince Edward's Island, from 1836 to 1850.

(Lacking those for 1839.) 15 vols.

_____ of the House of Assembly of Prince Edward's Island, from 1831 to 1850.
20 vols.

Laws of the Island, for 1850.

Presented by E.B. O'Callaghan, Esquire, M.D.

First Report of English Poor Law Commissioners.

Report on Patents in the United States, for 1849. Part I.

Presented by the Honorable R.C. Winthrop.

Hickey's American Constitution. 1851.

(11)

Patent Report for 1849. Part I.

Proceedings in Senate on Slavery Question, in 1850.

Obituary Addresses, on the death of President Taylor. 1850.

Presented by the Vermont Historical Society.

Tolman's Digest of the Laws of Vermont. 1808.

Presented by G.F. Houghton, Esquire, of Vermont.
Vermont State Papers. 1823.

Donation from the Congress Library of the United States.

Diplomatic Correspondence of the United States from 1783 to 1789. 7 vols.
New Series. 10 vols.

Laws, &c., of United States respecting Public Lands. 2 vols.

Cases of Contested Elections in Congress, from 1789 to 1834.

Digest of Commercial Regulations between the United States and Foreign Countries. 3 vols.

Treaties between the United States and Indian Tribes, from 1778 to 1837.

Military Laws of United States.

Tone's School of Cavalry for the United States.

Lallemand's Treatise on Artillery. 2 vols.

Infantry Tactics for Army of United States. 2 vols.

New Series. 3 vols.

Tactics for the Cavalry, Light-Infantry and Riflemen of the United States.

Manoeuvres of Artillery. 4 vols.

Tactics, &c., for Militia and Volunteers of the United States.

Barton on Marine Hospitals.

Silliman on the Sugar Cane and Sugar.

Report on Explosions of Steam-Boilers.

Compendium, and Tables, of the Sixth Census in the United States, in 1840.
 2 vols.

Statistics of the United States, under Sixth Census.

Census of Revolutionary or Military Pensioners, under the Sixth Census.

African Repository and Colonial Journal, for various years, from 1831 to 1848.
 10 vols.

American Archives. 4th Series. Vols. 1 to 5.

Congressional Papers, Journals, and other Documents, from 1841 to 1849. 142 vols.

Donation from the State of Vermont.

Vermont Reports, from 1834 to 1850. 15 vols.

Washburn's Digest of Vermont Reports. 1845.

Thompson's History of Vermont. 1842.

Laws of Vermont; revised, to 1834. 2 vols.

Revised, to 1839.

From 1830 to 1850. 6 vols. (Excepting 1840, not sent.)

Vermont Senate Journals, from 1836 to 1850. 6 vols.

Representatives' Journals, from 1836 to 1850. (Except 1840, not sent.)

8 vols.

Council of Censors' Journals, held between 1820 and 1849.

Conventions' Journals, held between 1821 and 1850.

Geology Reports, from 1845 to 1848.

Common School Reports, for 1828, and from 1846 to 1850.

Auditor of Accounts' Reports, from 1843 to 1850.

Catalogue of Vermont State Library. 1850.

Digest of Patents. United States. 1790 to 1839.

Donation from the State of New York.--(In addition to those sent last year.)

Laws of New York, for 1850.

Senate Journals and Documents, for 1850. 4 vols.

Assembly Journals, and Documents, for 1850. 10 vols.

Reports on Common Schools, in various years, from 1838 to 1850. 3 vols.

on State Normal School, from 1846 to 1850.

on Hartford Deaf and Dumb Asylum, for 1837 and 1845.

Report on the Perkins' Institution for the Blind, for 1846.

O'Callaghan's Documentary History of the State of New York. 1st vol.

*Added to the Library by purchase, or received by
way of Parliamentary Exchange, during the last
Session, or in the course of the Recess.*

*British American Journal of Medical and Physical Science. Vols. 1 to 5.
1845-1850.*

*Journals of the House of Commons. Vols. 104 and 105, for 1849 and 1850.
of the House of Lords, for 1849.*

*Hansard's Parliamentary Debates, from vol. 104 to vol. 113. (End of Session
of 1850.)*

Report of the Canada Committee, in 1828.

Canadian Review. Vols. 1, 2 and 3. 1824-1826.

*Collections, in print and in manuscript, made by the late David Chisholme,
Esquire, towards a History of Lower Canada. 5 vols.*

Windham and Huskisson's Select Speeches. 1845.

Canning's Select Speeches. 1836.

Angell and Ames. On Corporations. 1846.

*Whitelock's Notes on the King's Writ for choosing Members of Parliament.
2 vols. 1766.*

Bouvier's American Law Dictionary. 2 vols. 1848.

Hammond's Criminal Code. 6 vols. 1825-1829.

*Upper Canada Queen's Bench and Practice Court Reports. Vols. 1 to 6.
1845-1850.*

Upper Canada Jurist. Vols. 1 and 2. 1845-1848.

*Cameron's Digest of Cases in Queen's Bench, from 10 Geo. IV to 3 Victoria.
1840.*

Statutes and Rules of Court. 1844.

Grant's Reports of Cases in Chancery in Upper Canada. Vol. 1. 1850.

*Cooper's Rules and Practice of the Court of Chancery in Upper Canada. 1851.
(Two copies.)*

Majoribank's Travels in New South Wales. 1847.

Travels in New Zealand. 1850.

Journals of Assembly of New Brunswick, for 1850.

Laws of New Brunswick, for 1850.

Journals of Newfoundland, for 1850.

The Holy Bible.

Gilbart on Banking. 2 vols. 1849.

Gilbart on Banking in America. 1837.

Tooke on Currency.

Smith's Canada; Past, Present, and Future. Vol. 1. 1851. (Two copies.)

*Agricultural Journal of Lower Canada. Vols. 1, 2, and 3, for 1848, 1849 and 1850.
le même ouvrage. 3 vols.*

Imperial Statutes, for 1850. (Two Copies.)

Boyer's French and English Dictionary. 1848.

Webster's American Dictionary of the English Language. 1850.

Andrews' Latin and English Lexicon. 1851.

Riddle and Arnold's English-Latin Lexicon. 1849.

Boiste. Dictionnaire Francaise. 1851.

Putnam's World's Progress; a Dictionary of Dates. 1850.

Appleton's Library Manual. 1849.

Cushing's Rules for Deliberative Assemblies. 1850. (Two Copies.)

American Almanac, for 1851.

*Canada. Selected Papers from Sessional Papers of the House of Commons, respecting,
--from 1832 to 1849. 13 vols.*

Ungewitter's Europe; Past and Present. 1850.

(12)

Hunt's Merchant's Magazine, from 1839 to 1850. 23 vols.

Home and Colonial Library. Volumes completing the Series:--

Head's Stokers and Pokers.

St. John's Libyan Desert.

Gleig's Life of Monro.

Buxton's Memoirs.

Irving's Life of Oliver Goldsmith.

Canada Gazette for 1850. (Two Copies.)

Statutes of last Session. (English.) Five copies.

(French.) Five copies.

Rowsell's Directory for York and Toronto, for 1850-1851.

Huston, Repertoire National, ou Recueil de Littérature Canadienne.

Vols. 1 à 3. 1848.

Whittaker's Edition of Pinnock's Goldsmith's History of England. 1849.

Sundry duplicate Copies of Provincial Journals and Statutes.

Upper Canada Official Gazette, for 1822, and from 1826 until its discontinuance in 1845. 20 vols.

Statutes of Upper Canada, from 1791 to 1834. 4 vols.

Journals of the Legislative Council of Upper Canada, for 1828, and from 1830 to 1839-40. 13 vols.

of Canada, for 1846, 1847, 1849 and 1850. 4 vols.

Journal of Education of Upper Canada, for 1848, 1849 and 1850. Vols. 1 to 3.

Watts' Bibliotheca Britannica; or General Index to British and Foreign Literature. 4 vols. 1824.

Report on Schools of Nova Scotia, for 1850.

Keele's Provincial Justice. New Edition. 1851.

Also, a few Pamphlets not enumerated.

Law Books purchased under the authority of the Library Committee, and received since the opening of the present Session.

American Law Library; 5th Series; comprizing the following reprints of Standard English Law Books, viz.:--

(I.) *Sugden on Powers.* 2 vols in 1. 1847.

(II.) *Smith's Mercantile Law.* 1841.

Comyn on Usury. 1834.

Willcock on the Office of Constable. 1840.

(III.) *Woolrych on the Law of Ways.* 1834.

Beames' Doctrine of Courts of Equity, respecting Costs. 1838.

Sugden's Letters on Estates. 1834.

(IV.) *Cross on the Law of Lien and Stoppage.* 1841.

Ellis on Fire and Life Insurance. 1834.

Cornish on Uses. 1834.

(V.) *Stephen's Criminal Law.* 1840.

Ram's Science of Legal Judgment. 1835.

Bennet on the Masters' Office. 1842.

(VI.) *Shelford's Law of Marriage and Divorce.* 1841.

(VII.) *Wooddesson's Lectures on the Law of England; with notes by Williams.* 3 vols. Vols. 1 and 2. 1842.

(VIII.) Vol. 3. 1842.

Goldsmith's Doctrine and Practice of Equity. 1843.

Pitman's Law of Principal and Surety. 1843.

(IX.) *Wordsworth's Law of Joint Stock Companies.* 1843.

Joy on Confessions and Challenge of Jurors. 1843.

- (X.) Macpherson's Law relating to Infants. 1843.
Wills' Rationale of Circumstantial Evidence. 1843.
- (XI.) Bisset on Estates for Life. 1843.
Preston on Estates, with reference to the Law of Merger. 1843.
Winslow on Plea of Insanity in Criminal Cases. 1843.
- (XII. & XIII.) Smith's Leading Cases; with American Notes. 2 vols. 1847.
- (XIV.) Browne on Actions at Law. 1844.
Joy on the Evidence of Accomplices. 1844.
- (XV.) Sewell on the Law of Sheriff. 1845.
- (XVI.) Best on Presumptions of Law and Fact. 1845.
Miller on Equitable Mortgages. 1845.
Russell on Factors and Brokers. 1845.
Notes on Leading English Cases.
- (XVII.) Hubback on Succession to Property and Peerages. 1845.
- (XVIII.) Bell on Contracts of Sale. 1845.
Archbold's Law of Nisi Prius. Vol. 1. 1848.
- (XIX.) Vol. 2. 1848.
Broom's Legal Maxims. 1850.
- (XX.) Tamlyn's Law of Evidence in Chancery. 1846.
Billing's Law of Awards and Arbitrations. 1846.
Grady's Law of Fixtures and Dilapidations. 1846.
- (XXI.) Lewis on the Law of Perpetuity. 1846.
Notes to recent English Leading Cases.
- (XXII.) Archbold's Law of Landlord and Tenant. 1846.
Cooke on the Law of Defamation. 1846.
- (XXIII & XXIV.) Crabb on the Law of Real Property; with American Notes. 2 vols. 1846.
- (XXV.) Smith's Law of Contracts. 1850.
Broom on Parties to Actions. 1847.
Cole on Criminal Informations and Quo Warranto. 1847.
- (XXVI.) Pulling's Law and Usage of Mercantile Accounts. 1847.
Blackburn on Contracts of Sale. 1847.
Phillimore's Law of Domicil. 1847.
- (XXVII.) Lee on Abstracts of Title to Real Property. 1847.
Oliphant's Law concerning Horses, Racing, Wagers, and Gaming. 1847.
- (XXVIII.) Watson on Arbitrations and Awards. 1848.
Macqueen on Husband and Wife. Part 1. 1848.
- (XXIX.) Smith on Actions at Law; with American Notes. 1848.
Worthington on Wills; with American Notes. 1848.
Long's Discourses on Jurisprudence. 1848.
Coode on Legislative Expression. 1848.
- (13)
- (XXX.) Byles on Bills of Exchange, &c.; with American Notes. 1848.
- (XXXI.) Williams' Principles of the Law of Personal Property. 1848.
Raymond on the Bill of Exceptions. 1848.
Notes of recent English Leading Cases. 1848.
Whitworth's Equity Precedents; with Notes on Pleading and Evidence. 1848.
- (XXXII.) White and Tudor's Leading Cases in Equity; with American Notes. 1849.
- (XXXIII.) Sugden on the Law of Property; with American Notes. 1849.
- (XXXIV.) Russell on Arbitrators, Submissions and Awards. 1849.
- (XXXV.) Macqueen on Husband and Wife. Part II. 1849.
Lewis' Supplement to his Treatise on the Law of Perpetuity. 1849.
Best on the Principles of Evidence. 1849.
- (XXXVI.) Batten's Law of Contracts. 1850.
Bell on Property of Husband and Wife. 1850.

- (XXXVII.) *Adams on the Doctrine of Equity.* 1850.
Forsyth on the Custody of Infants. 1850.
- (XXXVIII.) *Coote on the Law of Mortgages; with American Notes.*
 1850.
- (XXXIX.) *Wildman's Institutes of International Law.* Vol. 1.
 1850.
- Jarman on Wills; with American Notes, by Perkins.* 2 vols. 1849.
- Blydenburgh. On the Law of Usury.* 1844.
- Reeve. On the Law of Descents in American States.* 1825.
- Gilpin's Opinions of Attorneys General of the United States, from 1789 to 1841.*
 2 vols. 1841.
- Hare and Wallace. American Leading Cases.* 2 vols. 1851.
- Thornton's Conveyancing, Testamentary and Registry Laws of the American States.*
 1847.
- Smith's Commentaries on Statute and Constitutional Law.* 1848.
- Bullard and Curry. Digest of the Laws of Louisiana.* 1842.
- Marvin's Legal Bibliography.* 1847.
- Wharton's American State Trials, during the Washington and Adams Administrations.*
 1849.
- Hilliard's American Jurisprudence.* 1848.
- Livingston's Penal Laws of Louisiana.* 1833.
- Lieber's Manual of Political Ethics.* 2 vols. 1838.
- Bancroft's History of the United States.* Vols. 1 to 3. 1842-1848.
- Works saved at the time of the destruction of the
Parliamentary Libraries in Montreal, and restored
 to the Library since the date of the last Report:--
- Repton. On Landscape Gardening.* 1840.
- Mémoires de Madame Roland.* 2 vols. 1821.
- Pepys' Memoirs and Diary.* Vols. 1 to 3. 1828.
- Sully, Duc de. Mémoires.* 10 vols. 1788.
- Works purchased, under direction of the Library Committee,
 for the encouragement of the respective undertakings;
 the same to be distributed as may be hereafter provided:--
- Christie's History of Lower Canada.* Vol. 3rd. 150 Copies.
- Keefer's Prize Essay on Canals.* English edition. 250 Copies. (All
 remaining at the Publishers.)
 French edition. 408 Copies.
- Huston. Répertoire National, ou Recueil de Littérature Canadienne.*
 Vols. 1 à 4. 100 Copies. N.B. These books have not yet arrived, but
 Mr. Huston states that they may be soon expected.
- Continuation of Periodicals in the old Library. These volumes
 were sent, through some mistake of our Agents, not withstanding
 orders given to the contrary.
- Edinburgh Review.* Vol. 91.
- Gentleman's Magazine, for 1850.* 1 vol.
- Repertory of Patent Inventions.* Vol. 15.
- Index Volume to Edinburgh Review.*
- Mechanics' Magazine.* Vol. 52.
- Received under the provisions of the Copyright Act.
- Keele's Provincial Justice, or Magistrates' Manual.* Third Edition. 1851.

APPENDIX B

List of Works relating to the History of America, procured since the Session of 1850, by G.B. Faribault, Esquire.

- Alegambe. *Mortes illustres de Societate Jesu.* 1657.
 American Political Tracts. 1774 to 1807.
 Acuna's *Rivière des Amazones.*
 Atwater's *Western Antiquities.*
 Almanach de Québec. 1846 and 1849.
 Almanach de Montréal. 1831.
 Abstract of the Custom of Paris. 1774.
 Answer to Observations on Government of Canada. 1790.
 Anspach's *History of Newfoundland.* 1819.
 Address. *Affairs in America.* 1766.
 Agassiz. *Resources of Lake Superior.*
 Belknap's *New Hampshire.* 3 vols. 1842.
 Bradford's *Massachusetts.* 3 vols. 1822.
 Burton's *Empire in America.* 1685.
 Bartram's *Travels.* 1751.
 Barton's *Commerce of the Western Lakes.* 1846.
 Beamish's *Discovery of America.*
 Blome's *Description of Jamaica.* 1678.
 Barrère. *La France équinoxiale.* 1751.
 Bridel. *Avis aux Emigrés.* 1803.
 Bosworth's *Hochelaga Depicta.* 1839.
 Barbé-Marbois. *La Louisiane.* 1829.
 Bandini. *Vita di Amerigo Vespucci.* 1750.
 Bossu. *Voyages en Amérique.*
 Beverly's *Virginia.* 1722.
 Barloe's *Vision of Columbus.* 1787.
 Beltrami. *Voyage à la Rivière Sanglante.* 1824.
 Blome. *State of Jamaica.* 1687.
 Bouquet. *Expédition contre les Indiens.* 1767.
 Birbeck's *America.* 1818.
 Blackford. *Colonies Angloises.* 1765.
 Customs of Micmac Indians. 1758.
 Considerations on Colonies. 1765.
 Considerations on Settlements on Mississippi. 1720.
 Chauncey. *Reduction of Louisbourg.* 1745.
 Concessions to America. 1807.
 Church's *Indian Wars.* 1829.
 Cavendish's *Debates on the Canada Bill.* 1774.
 Camus. *Mémoires de DeBry.* 1802.
 Cornuti. *Canadensium Plantarum.* 1635.
 Charlevoix's *Voyage to N. America.* 2 vols. 1766.
 History of Paraguay. 2 vols. 1769.
 Histoire du Paraguay. 6 vols. 1757.
 Correspondance de Lord Germaine. 1784.
 Columbia. *Account of the Country.* 2 vols. 1822.
 Cobbett. *Porcupine's works.* 13 vols. 1811.

(14)

- Cluny's *American Traveller.* 1769.
 Chevalier. *Lettres sur L'Amérique.* 1838.
 Chas et Lebrun. *Révolution de l'Amérique.* 1801.
 Campaigns at New Orleans.

- Canadian Pamphlets.* 1814-1836.
Champlain. *Voyages en la N. France.* 1619.
 Autre Edition. 1627.
 Autre Edition (réimpression). 2 vols. 1830.
Catlin's Notes on American Indians. 2 vols. 1841.
Canada. *Tracts, from 1827 to 1829.*
Colden's Five Indian Nations. 2 vols. 1755.
Coreal. *Voyages aux Indes.* 3 vols. 1738.
Calvetonis. *Novae novi orbis Historiae.* 1578.
Creuxis' Historia Canadensis. 1664.
Connecticut. *History of its Settlement.* 1781.
Connecticut. *Sketch of.* 1824.
Correspondance de Cortes avec Charles Quint. 1779.
Canadian Freeholder. 3 vols. 1777.
Conduct of War under Gage, &c. 1780.
Cugnet. *Traité des Fiefs.*
Drake's Cincinnati. 1815.
Documents on Mississippi River.
Douglass' Summary of N. America. 2 vols. 1755.
Dulac. *Voyage dans les deux Louisianes.* 1805.
 (Same in English.)
Duvallon. *La Colonie Espagnole du Mississippi.* 1803.
DuPratz. *Histoire de la Louisiane.* 3 vols. 1758.
Dufey. *Révolutions de l'Amérique.* 2 vols. 1827.
Débats entre la Compagnie du N. Ouest et le Lord Selkirk.
Diereville. *Voyage en Acadie.* 1708.
Dumont. *Mémoires sur la Louisiane.* 1763.
Description of Nova Scotia. 1825.
Darby's Tour from New York to Detroit. 1819.
Dauberteuil. *Essai sur les Anglo-Américains.* 2 vols. 1781.
Denton's New York. 1845.
Dutertre. *La Guadeloupe.*
Disputed North-East Boundary.
Ellis's Journey to New Britain. 1820.
Egmont's Memorial.
Early Jesuit Missions in Canada.
Engel, sur les Pays Septentrionaux. 1765.
Emigration. *Information relating to.* 1832.
 Practical advice to Emigrants. 1834.
 Hints, and disadvantages of. 1833.
Egède's Greenland.
Enquiry into Conduct of Gen. Putnam. 1819.
Essay on the course pursued towards the Colonies. 1755.
England and America. 1834.
Edward's West Indies. 2 vols. 1776.
Endowment of Education in Canada. 1838.
Force's Tracts on Origin, &c., of the American Colonies. 2 vols. 1836.
Flint's Letters from America. 1822.
Feuilletons Historiques. 1826-1836.
Falconer's Discovery of the Mississippi, &c. 1844.
Folsom's Despatches of Cortes. 1843.
Franklin on Emigration to America. 1784.
French Proposals relating to Newfoundland. 1712.
Garcilasso. *Histoire des Incas.* 2 vols. 1704.
Garcias. *Origen de los Indias.* 1729.

- Galvano's Discoveries of the World.* 1601.
Godley's Letters from America. 2 vols. 1844.
Gage. Voyage dans la Nouvelle Espagne. 2 vols. 1721.
Survey of West Indies. 1667.
Gordon's United States. 4 vols. 1788.
Gray's Letters from Canada. 1809.
Gomara. Voyages aux Indes. 1588.
Holmes' Annals of America. 2 vols. 1826.
History of the American War. 3 vols. 1779.
Histoire de la Guerre d'Amérique. 1787.
Hackluyt's Voyages. 2 vols. 1599.
Head's (Sir F.B.) Narrative.
Howe's Narrative.
Head's Forest Scenes. 1838.
Histoire des Colonies Angloises. 1755.
Histoire de la Nouvelle Ecosse. 1749.
Hornii. De Originibus Americanis. 1652.
Hennepin. Description de la Louisiane. 1687.
Nouveau Voyage. 1698.
Hubbard's Indian Wars. 1775.
Hawison's European Colonies. 2 vols. 1834.
Humboldt's Researches. 2 vols. 1814.
Personal Narrative. 3 vols. 1815.
Hawkins' Guide to Quebec. 1841.
Interest of Great Britain regarding Canada, &c. 1760.
Johnson. Taxation no Tyranny. 1775.
Jeffery's History of the French Dominions in America. 1775.
James. Naval Occurrences. 1817.
Jefferson's Notes on Virginia. 1782.
Journal d'un Voyage à la Louisiane. 1768.
Keith's British Plantations. 1738.
Knickerbocker's History of New York. 1820.
Knox's Journal of Campaigns in North America. 2 vols. 1769.
Letter to a Noble Lord on the Expedition to Canada. 1712.
Linschot. Navigation aux Indes. 1619.
Lafiteau. Moeurs des Sauvages Américains. 2 vols. 1724.
Lescarbot. Histoire de la Nouvelle France. 1618.
Léry. Voyage au Brésil. 1611.
Long. Voyages chez les Sauvages de l'Amérique. 1795.
Laet. Notae ad dissertationem de Origine Gentium. 1643.
Letter to a friend on the Expedition to Canada. 1712.
Letter to Commander of Forces in Canada. 1760.
Letter on Posture of Affairs in America. 1766.
Letters to a Nobleman on War in America. 1766.
Lyon's Narrative--Account of affair at Prescott. 1843.
Las Casas. Histoire des Indes Occidentales. 1642.
Voyages et Découvertes des Espagnols. 1698.
Labat. Voyage aux Isles de l'Amérique. 6 vols. 1722.
Lahontan. Voyages dans l'Amérique Septentrionale. 2 vols. 1728.
Le Beau. Aventures parmi les Sauvages. 2 vols. 1728.
Leclercq. Nouvelle Relation de la Gaspésie. 1691.
Life of Lord Sydenham.
Lake George in 1845.
Lower Canada Watchman.

Memoirs of the Historical Society of Pennsylvania. 3 vols. 1826-40.
Minot's History of Massachusetts. 1788.
Macdonald's Narrative--Lord Selkirk's Settlement. 1816.
Morse's Annals of the American Revolution. 1824.
Mante's History of the War in America. 1762.
Maxwell's Run through the United States. 2 vols. 1841.
Marquette et Joliet. Découvertes des Pays et Nations Sauvages. 1681.
Mémoires des Commissaires--Possessions en Amérique. 3 vols. 1755.
Masères. Commissions, &c.: Province of Quebec. 1772.
Canadian Freeholder. 3 vols. 1777.
Murray's Account of British America. 3 vols. 1839.

(15)

Murray's History of the United States. 3 vols. 1844.
Morse's American Gazetteer.
McCarthy. Dictionnaire de Droit du Canada.
Missions du Diocèse de Québec. 2 vols.
Missions du Diocèse de Montréal.
Malouet. Administration des Colonies. 5 vols. 1801.
Magrath's Letters from Canada. 1833.
Mackenzie's Voyages--Montreal to the Pacific. 1801.
Massachusetts. Historical Collections. 29 vols. 1806-1846.
McCulloch's Researches on the Aborigines of America. 1829.
McGregor's Observations in Emigration. 1829.
Mercure François de 1605 à 1644. 25 vols.
Memoirs of Sergeant McLeod, of Wolfe's Army. 1791.
Notices et Documens sur les Biens des Jésuites.
Narrative of Boston Massacre. 1770.
Navigation of the Mononghela, &c. 1808.
Nova Scotia--Description of. 1825.
Her Majesty's Right to the Colony. 1756.
Nouvelle-Ecosse--Histoire de sa Géographie. 1749.
Neptune Americo-Septentrional (Atlas.) 1780.
Occurrences in Lord Selkirk's Settlement. 1817.
Otis on Rights of British Colonies. 1765.
Objections to taxing British Colonists. 1765.
Occurrences of the War in North America. 1766.
Orr on Possession of Louisiana by the French. 1803.
Ordinances of Quebec. 1764-1767.
Prince's Sermon on the Taking of Louisbourg. 1746.
Proposals for uniting English Colonies. 1757.
Political Debates on Canadian Affairs. 1766.
Paine's Common Sense. 1776.
Letter to Raynal on America. 1781.
Proceedings between Governor Carleton and Chief Justice Livius. 1779.
Petitions from the Province of Quebec for a Constitution. 1791.
Priest's American Antiquities. 1841.
Paw (de) Recherches sur les Américains. 3 vols. 1771.
Pernetty. Examen des Recherches de DePaw. 2 vols. 1772.
Palmer's Travels in Canada, &c. 1818.
Pilote de Terre Neuve, avec Atlas. 1784.
Payan's Description of the River Amazonas. 1661.
Pownall's American Colonies.
Progress of Discovery in North America. 1833.
Political Annals of Lower Canada. 1828.
Quebec--Proceedings of Inhabitants for a House of Assembly. 1775.

- Additional Papers to the above. 1776.
 Robson's Account of Hudson's Bay. 1752.
 Recueil des Lois des Colonies Angloises. 1778.
 Regulations respecting Taxes in the Colonies. 1765.
 Reply to Observations of Gen. Howe. 1781.
 Remarks on Lord Durham's Report. 1839.
 Rochefort. Histoire des Antilles. 2 vols. 1667.
 Relation de Tobago. 1676.
 Rogers. Ponteach, a Poem. 1776.
 Ramusio. Delle Navigazione et Viagi. 3 vols. 1563.
 Rafinesque. American Nations. 1836.
 Travels and Researches in America. 1836.
 Annals of Kentucky. 1824.
 Robinson on Measures respecting the Colonies. 1774.
 Remarks on the Government of Quebec.
 Report on Claims of Lorette Indians.
 Report on Crown Lands.
 Report on Education.
 Responsible Government. 1842.
 Rogers' Concise Account of North America. 1765.
 Report of State Trials at Montreal. 2 vols. 1839.
 Relief of Montreal Sufferers by fire in 1765.
 Soulés Troubles de l'Amérique Anglaise. 4 vols. 1787.
 State of British and French Colonies. 1755.
 State of Government--Province of Quebec. 1790.
 Smith's True Travels and Adventures. 1630.
 Smith's History of Virginia. 1819.
 Smyth's Tour in the United States. 2 vols. 1784.
 Smith's Discourses--Events of the War. 1759.
 Oration in Memory of Montgomery. 1766.
 Smith's Description of New England. 1616.
 Smith's History of New York. 1757.
 Smyth's Topography of Upper Canada. 1813.
 Sketch of British Fur Trade. 1816.
 Strachan's Letter to the Earl of Selkirk. 1816.
 Simon's Indians of America identified. 1836.
 Indians' Descent from the Tribes of Israel. 1836.
 Schoolcraft's Expedition through Upper Mississippi. 1834.
 State of Present Form of Government of Quebec. 1789.
 Sheffield's Observations on Commerce.
 Silliman's Tour between Hartford and Quebec. 1817.
 Travels of Missionaries in America. 1714.
 The Late Dispute between Britain and America. 1769.
 Thoughts on the Canada Bill. 1791.
 Tocqueville. Démocratie en Amérique. 3 vols. 1837.
 Trumbull's Reminiscences. 1840.
 Tracts on Canada.
 View of the United States. 1833.
 Voyage dans la Pennsylvanie. 1801.
 Voyages au Nord. 10 vols. 1731.
 Vergennes. Mémoires sur la Louisiane. 1820.
 Vie de la R. M. Catherine de St. Augustin. 1671.
 Williamson. French and Indian Cruelty. 1762.
 Winthrop's History of New England. 2 vols. 1825.
 Winterbotham. View of the United States. 4 vols. 1799.

Wafer. Voyage to Isthmus of America. 1699.

Warden. Chronologie Historique de l'Amérique. 10 vols. 1826.

Woods' Residence in Illinois. 1822.

Wytfliet. Histoire des Indes Occidentales. 1607.

Warburton. Hochelaga. 2 vols. 1846.

The Conquest of Canada. 2 vols. 1849.

Wilkes. Narrative of United States Expedition, and Atlas. 5 vols. 1845.

Whitbourne. Discovery of Newfoundland. 1620.

Mr. Speaker
reports Dona-
tions to Lib-
rary.

Mr. Speaker informed the House, That in addition to the donation of Books in aid of the reconstruction of the Parliamentary Library reported by him on the 17th May, 1850, as having been elicited, from various quarters, by the Circular Letters which he had addressed to the Presiding Officers of certain local Legislatures, &c., further donations had been received, since that period, through the liberality of the American Congress, the Legislatures of the States of Vermont and New York, and the Legislative Council of Nova Scotia, as well as through the spontaneous courtesy of certain private individuals.

He then communicated to the House some further Letters on this subject, together with a List of the Donations above mentioned; and which are as follow:--

Letter from the
Librarian of
the U.S. Con-
gress.

City of Washington,
November 26th, 1850.

Sir,--By direction of the Joint Committee of the Library of Congress, I have the honor of sending to you, for the Library of the Legislative Assembly of Canada, a Copy of the printed Journals of the Senate and House of Representatives of the United States, and also a Copy of the Executive Documents, Reports of

(16)

Committees, Miscellaneous Documents, &c., published by those Houses of Congress, at their annual Sessions, from the year 1842 to the year 1849, both inclusive.

I send, also, a Copy of the "Diplomatic Correspondence of the United States," in seventeen volumes, a Copy of the first five volumes of the "American Archives," that have been published--to be succeeded by the remaining volumes, as published--with Copies of various other Books, as per List accompanying this communication.*

It is the intention of the Library Committee of Congress to supply the Library of the Legislative Assembly of Canada with Copies of the Journals, Reports of Committees, Executive and Miscellaneous Documents, &c., in continuation of those now sent, as soon after the adjournment of each Congress as they can be bound for that purpose.

The Committee have learned, with great pleasure, through Alpheus Todd, Esquire, your Assistant Librarian, that Copies of the Journals, &c., of the Legislative Assembly of Canada will, in future, be sent regularly to the Library of Congress; and they instruct me to say, that those documents will be most cordially received, and that the compliment is most gratefully appreciated.

With very sincere respect,

I remain your obedient servant,

JOHN S. MEEHAN,

Librarian of Congress.

To the Honorable A.N. Morin,
Speaker of the
Legislative Assembly of Canada.

*This List has been omitted, as the information it contained will be found in the general List of Donations which follows these official Letters.

Letter from the
Executive De-
partment of the
State of Ver-
mont.

State of Vermont.
Executive Department,

Montpelier, Nov. 14th, 1850.

Sir,--I have the honor to transmit to you herewith, a Copy of a Resolution passed by the Legislature of this State. In pursuance thereof, I have caused to be forwarded to your address, as a donation from the State to the Province of Canada, such Reports, Statutes, Legislative Journals, and Public Documents as could be spared from the State Library, the receipt of which you will be pleased to acknowledge at your convenience.

On the other branch of the Resolution I should be happy to receive from you such Statutes, Journals, Reports, and Public Documents of the Provincial Parliament, or of the Courts of Justice, annually, as you could conveniently spare.

With the highest consideration,

I have the honor to be,

Your obedient Servant,

CH. V. WILLIAMS.

To the Honorable the Speaker
Of the Provincial Parliament.

Letter from
the Clerk of
the Legislative
Council of No-
va Scotia.

Halifax, Nova Scotia,
August 9th, 1850.

Sir,--I have the honor to transmit to you a Copy of a Resolution passed by the Legislative Council of Nova Scotia, at its local Session, and also to send for the Legislative Assembly of Canada, a set of the Journals of the Legislative Council and of the Laws of the Province of Nova Scotia.

I have the honor to be,

Sir,

Your most obedient humble Servant,

JOHN C. HALLIBURTON,

C.L.C.

To the Clerk of the Legislative Assembly,
Toronto, Canada West.

Halifax, Nova Scotia,
Legislative Council Chamber,
23rd January, 1850.

The President informed the House, that during the Recess he had received a Letter dated "Montreal, Canada, July 3rd, 1849," from the Hon. A.N. Morin, Speaker of the Legislative Assembly of Canada, communicating to him the destruction, by fire, of the Legislative Library, containing 25,000 volumes; that he had been empowered by the Legislative Assembly to communicate officially with the principal Representative Bodies in America and England, acquainting them with the extent of the loss, and soliciting their generous assistance in the endeavour to replace the Library by sending Copies of such Legislative Journals, Statutes, or other printed Documents as could be spared.

Whereupon Mr. McDougall moved the following Resolution:--

Resolved, That the Clerk do transmit to the Speaker of the Legislative Assembly of Canada, Copies of all Journals, Laws and other Books in the Library of this House, of which there are duplicates.

Which being seconded, and the Question being put, was agreed to unanimously.

JOHN C. HALLIBURTON,

Clerk of the Legislative Council.

List of Donations
to Library.

List of Donations of Books to the Parliamentary
Library, received since the close of last Session:

From the Legislative Council of Nova Scotia.

Laws of the Province of Nova Scotia, from 1758 to 1850. 8 vols.

Journals of the Legislative Council of Nova Scotia, from 1838 to 1850. 13 vols.

From the Congress Library of the United States:

Diplomatic Correspondence of the United States, from 1783 to 1789. 7 vols.

New Series: Edited by Jared Sparks. 10 vols.

Laws, &c., of the United States, respecting Public Lands. 2 vols.

Cases of Contested Elections in Congress, from 1789 to 1834.

Digest of Commercial Regulations between the United States and Foreign
Countries. 3 vols.

Treaties between the United States and Indian Tribes, from 1778 to 1837.

Military Laws of the United States.

Tones' School of Cavalry for the United States. 2 vols.

Lallamand's Treatise on Artillery. 2 vols.

Infantry Tactics for the United States Army. 2 vols.

New Series; prepared by General Scott. 3 vols.

Tactics for the Cavalry, Light-Infantry, and Riflemen of the United States.

Manoeuvres of Artillery. 4 vols.

Tactics, &c., for Militia and Volunteers of the United States.

Barton and Marine Hospitals of the United States.

Silliman on the cultivation of the Sugar Cane.

Report on Explosions of Steam-Boilers.

Compendium, and Tables, of the Sixth Census in the United States, in
1840. 2 vols.

Statistics of the United States, under the Census Act 1841.

Census of Revolutionary or Military Pensioners, under the Sixth Census, 1841.

American Archives; Fourth Series. Vols. 1 to 5. 1837-1844.

Congressional Papers, Reports, Journals and other Documents, respecting
the Executive of the United States, the Senate, and the House of

(17)

Representatives; for the Sessions of 1841 to 1849, inclusive. 142 vols.

From the State of Vermont.

Vermont Reports of cases decided in the Supreme Court, from 1834 to 1850.
15 vols. 8vo.

Washburn's Digest of the Vermont Reports, 1845.

Thompson's History of Vermont, 1842.

Laws of Vermont, of a public and permanent nature, to 1834: Edited by Slade
and Thompson. 2 vols. 1825-1835.

Revised Statutes, to 1839.

Acts of the State of Vermont, for 1830 to 1850, (excepting 1840 not sent).
6 vols.

Journals of House of Representatives of Vermont, from 1836 to 1850, (excepting
for 1840, not sent). 8 vols.

of Council of Censors, Vermont, in 1820, 1821, 1827, 1834-34, 1841-2, and
1848-9. 1 vol.

of Conventions held in Vermont in 1821-2, 1828, 1836, 1843, and 1850. 1 vol.

Reports on Geology of Vermont, from 1845 to 1848, by the State Geologist. 1 vol.

Reports of Commissioners and Superintendent of Common Schools in Vermont, for
1828, and from 1846 to 1850. 1 vol.

Reports of Auditor of Accounts of Vermont, for 1843 to 1850. 1 vol.

Catalogue of Vermont State Library, 1850.

Digest of Patents issued by the United States, from 1790 to 1839. 1 vol.

African Repository, and Colonial Journal; for the years 1831-2, 1838 to 1844, 1846 to 1848. 10 vols.

From the State of New York. (In addition to those previously sent.)

Reports on Common Schools in the State, made in 1838, 1840, 1841, 1844 and 1848 to 1850. 3 vols.

Reports on the State Normal School, for the years 1846 to 1850. 1 vol.

Reports on Hartford Deaf and Dumb Asylum, for 1837 and 1845; bound up with a Report on the Perkins' Institution for the Blind, for 1846.

O'Callaghan's Documentary History of New York. 1st vol. 1850.

Laws, Senate and Assembly Journals, and Documents of the State, for 1850. 15 vols.

From E.B. O'Callaghan, Esquire, M.D.

First Annual Report of the English Poor Law Commissioners. 1835.

Report of Commissioners of Patents, in United States, for 1849. Part I.

From the Honorable R.C. Winthrop, M.C. of U.S.

Hickey's View of the American Constitution. 1851.

Patent Report, for 1849. Part I.

Proceedings and Speeches in the Senate respecting the Slave Question, in 1850.

Obituary Addresses before Congress, and Funeral Sermon, on the death of the late President Taylor. 1850.

From the Vermont Historical Society, through Henry Stevens, Esquire.

Tolman's Digest of the Laws of Vermont, up to 1807. 2 vols. in 1. 1808.

From G.F. Houghton, Esquire, of Vermont.

Vermont State Papers; compiled by W. Slade. 8vo. 1823.

Petitions

brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bouthillier,--The Petition of C.T. de Montigny, Esquire, and others, Censitaires of the Augmentation of the Seigniorship of Mille-Isles, County of Terrebonne; and the Petition of the Reverend Joseph Crevier and others, of the Parish of St. Pie, County of St. Hyacinthe.

By Mr. DeWitt,--The Petition of Julien Brossois and others, Censitaires of the Parish of St. Clément de Beauharnois, County of Beauharnois.

By Mr. Prince,--The Petition of Peter Desjardins, Esquire, and others, of the Township of Tilbury West, County of Kent.

By Mr. Laurin,--The Petition of Joseph Bruneau and others, of Lower Canada, Militiamen; the Petition of Louis Giguère and others, of Lower Canada, Militiamen; and the Petition of Gervase Maccomber and others, of Montreal, Militiamen.

By Mr. Sanborn,--The Petition of William Brooks, Esquire, and others, Trustees of the Sherbrooke Academy; and the Petition of J. Lougee and others, Trustees of the Academy in the Township of Compton, District of St. Francis.

By Mr. Dumas,--The Petition of L. Archambeault and others, Censitaires of the Seigniorship of L'Assomption, County of Leinster; the Petition of the Corporation of the College of L'Assomption; and the Petition of J.O.A. Turgeon, Esquire, Mayor, and A. Gorrie, Secretary-Treasurer, of the Municipality of the County of Terrebonne.

By Mr. Morrison,--The Petition of Angus D. Macdonell and others; and the Petition of the Municipal Council of the County of York.

By Sir Allan N. MacNab,--The Petition of Peter Hunter Hamilton, Esquire, of the City of Hamilton; the Petition of the Great Western Railroad Company; and

the Petition of Margaret Powlus and Catherine John, of Brantford.

SIR A. MACNAB brought up a petition of the daughters of the late Col. Brandt, a hero who had rendered such signal services to the empire, and whose only daughters were in a state of absolute poverty. When the petition came up it was his intention to move that they receive a certain allowance out of the Indian Fund.¹

(17)

By Mr. Smith of Durham,--The Petition of James Madison Andrews and others, of Port Hope, County of Durham.

Petitions read.

Pursuant to the Order of the day, the following

Petitions were read:--

Of William Roe and others, of the old Survey of the Township of West Gwillimbury, County of Simcoe; praying that that part of the said Township be detached therefrom, and annexed to the County of York.

Of Septimus Tyrwhitt and others, of the Township of King, County of York; praying that the old survey of the Township of West Gwillimbury, and also a certain part of the new Survey thereof, be detached from the said Township and annexed to the adjoining Township in the said County of York.

Of John Black and others, of Lots No. 7 to 14, inclusive, first concession of the new Survey, Township of West Gwillimbury; praying that the said Lots, with the old Survey of the said Township, be annexed to the County of York.

Of the Municipal Council of the County of Middlesex; praying that measures be adopted to prevent the exportation of pine logs from the Province.

Of the Municipal Council of the County of Middlesex; praying that the Clergy Reserve Lands be sold, and the proceeds thereof applied to purposes of general Education.

Of the Municipality of the Township of Orillia; praying that a grant of land be made to actual Settlers along the line of a certain road through the northern part of the said Township and the Township of Matchedash.

Of the Municipal Council of the County of Simcoe; praying that the said County may not be diminished by detaching any Townships from it.

(18)

Of the Municipal Council of the County of Simcoe; praying that the old Survey of the Township of West Gwillimbury may not be detached from the said County.

Of John McLean, of the Township of Lochaber, County of Ottawa; complaining that he has not received his quota of land in consideration of his services as Quarter-Master in the Militia Service during the late war with the United States, and praying relief.

Of James Wadsworth and others, residing on both sides of the River Ottawa; praying aid to improve the navigation of the said River by the construction of Locks at the Paquet and Allumette Rapids.

Of the Municipality of the County of Ottawa, Division No. 1; praying aid to open a Road from the Long Sault on the Ottawa or Grand River, to the head of the Grand Calumet, and also for the construction of Locks at the Joachim.

Of Peter Aylen and others, of the County of Ottawa; praying aid to construct a Road from the Long Sault on the Ottawa or Grand River, to the head of the Grand Calumet.

Of N.F. Belleau, Esquire, and others, Merchants, and others, of the District of Quebec; praying the adoption of measures for the protection of the Fisheries in the Gulf of St. Lawrence, between Pointe des Monts and Blancs Sablons.

Of the Reverend J.H. Dorion and others, Catholic Missionaries in the Eastern Townships; praying the adoption of measures for the colonization and improvement of the said Townships,--the amendment of the Municipal provisions, and the terms

by which Clergy Lots are governed,--and the opening and improvement of certain Roads and Bridges in the said Townships.

Of C. Boudreau, Esquire, and others, of Baie St. Paul, County of Saguenay; praying aid to make a Survey with a view to opening a Road from the Parish of St. Urbain, and also from Ste. Agnès to the Baie des Ha! Ha! and thence to the Lake St. Jean.

Of John Laurie and others, of the Township of Vaughan; praying the repeal of the Acts 12 Vic. cap. 29, and 13 and 14 Vic. cap. 81, and any other Acts which have for their object the taxation of the people for the construction of the Toronto and Lake Huron Railroad, or any other.

Of the Members of the School of Medicine of Quebec; praying the usual grant of money in aid thereof.

Of the Mayor and Councillors of Quebec; praying the adoption of measures to promote the construction of a Railroad from Quebec to Halifax.

Of the Municipal Council of Kamouraska; praying aid for the opening of a Road, and a grant of land for the same purpose.

Of the Municipal Council of Kamouraska; praying aid to reconstruct a Bridge across the River Kamouraska, in the Parish of St. Louis.

Of P. Malot, Esquire, and others, of the Parish of St. Mathieu de Beloeil, County of Verchères; praying the adoption of measures for the abolition of the Seigniorial Tenure in Lower Canada.

Of the Bar of Lower Canada, Section of the District of Quebec; praying the repeal of the enactment conferring power upon the Judges of the Superior Court to establish, alter, and amend the Tariffs, and that the said power be conferred upon the Bar of Lower Canada.²

MR. ROSS presented a petition from the members of the Bar of Lower Canada, setting forth their alleged grievances at the hands of the Judges, with regard to the new Tariff, which they pronounced insufficient and unjust and calculated to impair the character and independence of the profession; and praying for leave to construct their own tariff, subject to confirmation by Superior Courts.³

MR. CHRISTIE called the attention of the House to the petition which complained of the conduct of the Judges of the Supreme Court, in the drawing up of the present tariff of fees, and which he also understood contained the modest request, that the members of the bar should be permitted to fix the rate of their own fees; he therefore desired the petition might be read.⁴

The petition was accordingly read, and complained of the increase of the fees to the Prothonotaries and Sheriffs, and of the reduction of those awarded to the bar, in consequence of which the bar has no longer confidence in the Judges; and prayed that the corporation of the bar should be permitted to make their own tariff, subject to the confirmation of the Judges of the Court of Queen's Bench--the old tariff to remain in force in the meantime.⁵

MR. CHRISTIE said this petition arose out of a rebellion of the bar of Quebec against the Judges,⁶ who had reduced the extravagant fees of the bar⁷, not to relieve the subject from injury, but to cause the oppression of the subject by continuing their own extravagant fees.⁸ He moved then that the petition be laid upon the table, and printed for the use of members.⁹ The conduct of the bar had been encouraged by only one paper, which was in the service of the bar.¹⁰ [It] had boasted that they had sufficient power in this House to procure the enactment of a law, enabling them to triumph over the judges. The modest prayer of the petition was, that the bar might be allowed to tax persons who were driven into the court just what they please. It was a power that belonged to the judges, and ought not to be given to the bar.¹¹

MR. ROSS, of Quebec, complained that the hon. member (Mr. Christie) had prejudged the petition, and brought on a discussion on its merits in the absence of the member who was charged with its presentation.¹² Nothing had yet transpired to lead to the belief that the Bar of Lower Canada had degraded itself, and their petition was entitled to respect, even though it impugned the proceedings of higher authorities.¹³ The petitioners only desired to have that right which was accorded to Doctors and Notaries.¹⁴ The hon. member had referred to a paper at Quebec in the interest of the bar. He (Mr. Ross) knew of no such paper; he knew that the Mercury supported the cause of the bar, and he had understood that the hon. member himself (Mr. C.) was editor of that paper.¹⁵ He believed however, there had been a schism between the paper and its editor, perhaps on that very account. The hon. member was a member of the bar of Lower Canada, and defiled the nest where he laid.¹⁶

MR. CHRISTIE said he was not a member of the bar of Lower Canada; he was clear of them, he had not practised in the Courts for thirty years.¹⁷

MR. ROSS,--I'm glad of it.¹⁸

MR. CHRISTIE,--But yet the members of the bar had endeavoured to compel him to pay 25s. by way of a tax on the bar.¹⁹

MR. CARTIER,--Which you ought to have paid.²⁰

MR. ROSS [said] that he was an independent as Mr. Christie.²¹

MR. CHRISTIE said there was this difference between them: that Mr. Ross is in the pay of the Government as Queen's Counsel, while he was not bound by such ties to any party.²²

MR. H. BOULTON thought that a petition on the part of lawyers, for leave to fix their own fees, was one of the most extraordinary that had ever been presented.²³

MR. H. SHERWOOD said, it appeared to him that the petition was couched in respectful language, and being so, should be received. It was for the House to determine whether the prayer of the petition be reasonable or otherwise.²⁴

MR. MERRITT thought the petition ought to be received; it was an ungracious thing at all times to refuse to receive petitions.²⁵

MR. CHRISTIE said it had been received, and his motion was to have it printed.²⁶

COL. PRINCE said it was amusing to hear hon. members change their minds, and therefore he was not a little amused to hear the hon. member for Lincoln say that it was usual to receive all petitions; since that gentleman, who was then the coadjutor of the ministry, last year was one of the most earnest to refuse his petition for independence--that petition of which he would always be proud. (Loud cries of hear, hear.)²⁷ The memory of the hon. member is long enough to enable him to make long speeches, embodying all sorts of subjects--political and non-political, practical and philosophical. (Laughter.) He (Col. P.) hoped that this petition would be printed, entertaining as he did, a very high respect for many members of the bar at Quebec; and believing that any statement they may make is entitled to serious consideration.²⁸ He was not in favour of allowing the judges in all cases to fix the fees of the Bar as they thought proper. He had heard from common report that these very judges in Lower Canada²⁹, who while lawyers, had been the greatest advocates for high fees, had been the first, when on the bench to apply the pruning knife.³⁰

MR. AT. GEN. LAFONTAINE said, the hon. member for Gaspé had spoken of an insur-

rection, if he remembered right; and he thought in the first, in 1811, the hon. member was a rebel. (Laughter.)³¹

MR. CHRISTIE then withdrew his motion³².

The original motion--having been amended to include the printing, as well as the reception of the petition--was agreed to.³³

(18)

On motion of Mr. Christie, seconded by the Honorable Mr. Boulton,

Petition to
be printed.

Ordered, That the Petition of the Bar of Lower Canada,
Section of the District of Quebec, be printed for
the use of the Members of this House.

Standing
Committees.

The Honorable Mr. Attorney General Baldwin, from the
Select Committee appointed to prepare and report Lists
of Members to compose the seven Select Standing Commit-
tees ordered by this House, reported that they had prepared Lists of Members
accordingly; and the same were read, as follow:--

1st.--On Privileges and Elections.--The Honorable Mr. Attorney General Baldwin,
the Honorable Mr. Boulton, the Honorable Mr. Cameron of Cornwall, Mr. Cartier,
Mr. Gugy, the Honorable Mr. Papineau, Mr. Polette, Mr. Richards, and the Honorable
Mr. Robinson.--(9.)

2nd.--On Expiring Laws.--Mr. Boulton of Toronto, Mr. Mongenais, Mr. Chauveau,
Mr. Solicitor General Drummond, Mr. Hopkins, Mr. Laurin, Mr. Lyon, Mr. Sanborn,
and Mr. Smith of Frontenac.--(9.)

3rd.--On Railroads and Telegraph Lines.--The Honorable Mr. Badgley, Mr. Cauchon,
Mr. Dickson, Mr. Dumas, the Honorable Mr. Hincks, Mr. Solicitor General Macdonald,
the Honorable Mr. Macdonald, Sir Allan N. MacNab, Mr. Morrison, Mr. Ross, Mr.
Sherwood of Brockville, Mr. Smith of Durham, and Mr. Taché.--(13.)

4th.--On Miscellaneous Private Bills.--Mr. Bouthillier, the Honorable Mr. Chabot,
Mr. Fournier, Mr. Lacoste, Mr. Malloch, Mr. McFarland, the Honorable Mr. Merritt,
Mr. Prince, and Mr. Scott of Two Mountains.--(9.)

5th.--On Standing Orders.--Mr. Crysler, Mr. Fergusson, the Honorable Mr.
LaTerrière, Mr. Lemieux, Mr. Letellier, Mr. Notman, Mr. Scott of Bytown, the
Honorable Mr. Sherwood, and Mr. Wilson.--(9.)

6th.--On Printing.--Mr. Burritt, Mr. Hall, Mr. Holmes, Mr. Mackenzie, Mr.
McConnell, Mr. McLean, Mr. Méthot, Mr. Sauvageau, and Mr. Stevenson.--(9.)

7th.--On Contingencies.--Mr. Armstrong, Mr. Bell, Mr. Christie, Mr. DeWitt,
Mr. Flint, Mr. Fortier, Mr. Jobin, Mr. Johnson, and Mr. Seymour.--(9.)

Ordered, That the said Report be taken into consideration on Monday next.

Bonds and
Securities.

The Honorable Mr. Attorney General Baldwin, one of her
Majesty's Executive Council, laid before the House, by
command of His Excellency the Governor General, a detailed
Statement of Recorded Bonds and Securities, prepared in compliance with the 15th
sec. 4 & 5 Vic. cap. 91.

Appendix (D.)

For the said Statement, see Appendix (D.)

Mr. H. BOULTON³⁴ asked for leave to introduce a bill to prohibit the Expenditure
of Public Moneys for purposes not previously authorized by law, and to limit the
granting of Pensions.³⁵

MR. INSP. GEN. HINCKS said, it was his duty to oppose the introduction of the
bill, and in doing so, he was not acting inconsistently with English precedent. A
similar bill was brought in³⁶ [by] the hon. member for Norfolk,³⁷ and [was] rejected
last session,³⁸ and he made great complaints that the introduction of bills was op-

posed by the government; but he (Mr. H.) saw nothing wrong in preventing the introduction of a measure³⁹ which a majority would certainly throw out at another stage. The proposition of the hon. member was to prohibit the expenditure of public money for purposes not authorized by law.--The very proposition seemed to imply that Government leave the power to expend money for such purposes. But this is not the case. Circumstances will arise when it is expedient to expend money for purposes not previously contemplated by the House, and when any other course would subject the Government to charges of neglect of duty at the hands of gentlemen who favor the passage of this bill. The effect of this bill would be nil; it would leave the Government in the same position as that which it at present occupies. They have now to apply to the House for votes of money, and they would do the same were this bill to become law to-morrow. Government have no authority to spend money against the law. Then, as to granting pensions, hon. gentlemen should remember that it has been already notified in the speech from the Throne, that the subject of the Civil List is coming before the House, and will be brought forward by the Government as early as possible. The whole subject--including pensions--will then be discussed, and he could not see any advantage to be gained from gentlemen bringing forward measures on their own account.⁴⁰ There was no use in permitting Bills to be brought in, against which every member in the House had made up his mind. It was well known that all the appropriations were voted by the House.⁴¹

MR. W. BOULTON believed that it is most important to the interests of the country that this Bill should pass.⁴² He hoped the Government would not again practice the course they had followed last session. It was clear money could now be spent without the previous sanction of Parliament; for example,⁴³ we hear year after year of the payment of several hundreds of pounds to Queen's Counsel, partizans of the Government, who are employed to do the duty of the Attorney and Solicitor Generals [sic]⁴⁴, and which might be replaced by a much more provident arrangement, if public prosecutors were appointed for that purpose.⁴⁵ If assistance of this kind be needed, let an Act sanctioning it be introduced. With respect to pensions, he attached very little value to Ministerial promises, remembering as he did the manner in which last session the Government abandoned their promises to carry out retrenchment. The Municipal Bill imposes a great check on the expenditure of Municipalities, but the Government can expend money at any time, and for any purpose, without any check whatever. He hoped that no opposition would be given to the introduction of this Bill.⁴⁶

MR. MACKENZIE was astonished at the opposition given to this bill by the Inspector General, who had uniformly professed himself an advocate of retrenchment. To reject a bill⁴⁷, the object of which was to lessen the burdens of the country⁴⁸, merely to save the few shillings which were required to make its contents known to hon. members, was a course utterly inexplicable in the hon. gentleman.⁴⁹ How was the House to know how to vote on a measure which it had not an opportunity of reading. If things were to be done in this way on the plea of saving 7s. 6d., as the price of printing the bill, it was very strange. If, when the hon. Inspector General was editor of the Examiner in 1839, anyone had opposed the introduction of such a measure, he (Mr. Hincks) would have⁵⁰ been the last person in the world to oppose such a bill as this.⁵¹ He (Mr. Mackenzie) did not know how to vote on a measure unless he had an opportunity of reading it.⁵² He ... voted yesterday for every clause of the address, because he desired to avoid anything like factious opposition to the Government, and he hoped that the Government would not persevere in a factious opposition to a measure which professed to aim at a reduction of the burdens of the people. With the large debt which now encumbers the Province, no attempt at retrenchment should be despised.⁵³

COL. PRINCE would remind the Government that as their days are rapidly drawing to a close, they should be careful not to reject any measure that has an appearance of popularity about it.--However hopeless may be the prospects of the re-election of the Inspector General, he should not mar the hopes of his supporters by dashing to the ground a bill which is pleasant in its title, if in nothing else.⁵⁴

MR. ROSS said, the bill is all sound, and nothing else; and is objectionable because it distinctly implies censure on the House, being predicated on the supposition that the public moneys have been lavished by the Government without the authority of law. The bill was moreover unnecessary, and he should oppose its introduction.⁵⁵

MR. CHRISTIE remarked, that the gentleman who had last spoken, had himself received about £300 as Queen's Counsel⁵⁶ without the consent of parliament.⁵⁷ Now, he asked if there were any law to sanction that? If so, he supposed it would be easy to point it out.⁵⁸

MR. INSP. GEN. HINCKS replied, that if the hon. member for Megantic received any money, no doubt it was according to law; and⁵⁹ [he] denied that any money is expended except under the authority of law.--The assertion that Queen's Counsel are paid without the authority of law could only have been made by a person who is utterly ignorant of the law of the Province.⁶⁰

MR. ROSS repelled the accusation of the hon. member of Gaspé with regard to his (Mr. Ross's) receipt of money without the authority of law.⁶¹ [He] protested his independence; and said that he received any fees which came to him from the government, just as he would do from any other client, for honourable service; and expressed his contempt for insinuations like those of the hon. member for Gaspé, who, he said, was perhaps more a tool of party than himself (Mr. Ross.)⁶² Whether in the receipt of public money or not, he should never allow the circumstances to influence his votes or conduct in this House.⁶³

MR. W. BOULTON said his remarks had been misunderstood. What he meant to say was, that persons who sit in this House and support the Government are selected to take the place of the Crown officers; and that application is afterwards made to the House to vote the money required.⁶⁴

MR. CHRISTIE did not doubt the independence of the hon. member. Indeed, he sometimes showed it by a kind of rusticity of manner, which, he believed, must be pardoned him. There was, however, this difference between them,--the hon. member was paid; he (Mr. Christie) was not paid.⁶⁵

MR. AT. GEN. BALDWIN [had] explained, last session, the views he took upon this subject; but he nevertheless felt it necessary to reply to the remark that the legal members of the Government neglected their public duty in order to attend to their private interests.⁶⁶ What had been stated about Queen's Counsel, looked like a reflection upon the Attorneys General.⁶⁷ He asserted broadly and positively that the charge was without foundation. (Hear, hear.) He and his hon. and learned friends have worked as hard as any gentlemen who filled the situations before them; and it was therefore unjust and ungenerous to impute to them any neglect of their official duties. Whether it be right that the Attorney General should be a Cabinet Minister is another question, and one on which he now gave no opinion; but he defied any one to show that they did not appropriate the whole of their public time--aye, a much larger proportion [sic] of time than most public servants do--to the performance of their duties. (Hear, hear.) For his own part, he believed he had labored to an extent which was scarcely justifiable with a due regard to his health; his hon. and learned friends had been equally assiduous; and he did say, then, it is not generous to get up in this House and impute publicly

to them the neglect of⁶⁸ their duties. They have wholly neglected their⁶⁹ private affairs. Nothing could be more advantageous to them personally [than] to take a circuit regularly, as by that means they would be able to keep up a connection between themselves and their clients. As matters stand, they are cut off from this advantage. His own professional connections had been completely destroyed; and if he were now to return to his private practice, he would have to make his way again as though he were a young man,--of course, with whatever prestige might attach to him in consequence of his present position. (Hear, hear.) To attend to the political duties of the Attorney General, and at the same time to take Circuit, is more than one man can be expected to do. Circumstances may make it easier for the Attorney General to attend Assizes at one period than at another; and it had always been his own endeavor, and that of the solicitor General, to take those Circuits in which the largest amount of public business was to be performed. That principle actuated him in 1843, and ever since he had taken office in the present Ministry. He could not do more than devote his whole time to his labors, and if the country be not satisfied, they could relieve him from the position he occupied. The member for Toronto did not seem to understand the explanation of the Inspector General, with regard to the employment of Queen's Counsel. This is included in the vote for the administration of justice, which is included in the estimates brought down to the House by this and all former Governments. The opinion of the House is taken, and the money is actually voted for the purpose of being applied to the payment of those gentlemen. If this bill be enacted, this proceeding will not be one whit more legal than it now is; and he, therefore, thought that it would not be seemly in the House to pass an act that would be wholly unnecessary.⁷⁰ At present, no monies could be voted, without the sanction of Parliament, unless there were absolute necessity for it; and that necessity would be equally obligatory upon government after the law were passed, as now. For example, suppose a great and unexpected breach occurred in one of the canals; must not government repair that breach, even though no vote had been made, to cover an expense not previously anticipated? Clearly they must. Therefore the bill now before the House was useless, but it was still worse than useless, for it threw doubts on that which was at present clear. For this reason it should not be allowed to pass one stage, for that would be an affirmation of the propriety of legislating on the subject.⁷¹

MR. MERRITT would vote for the motion now, although he had voted against a similar bill last year, because he thought nothing should be done on finance until after the finance committee had reported.⁷² Now, however there was a difference.⁷³ He had been misunderstood by the hon. member for Hamilton last night. He had then said that alterations in the constitution were required; and that the alterations were those which had been made in New York by the 7th clause of the constitution of 1846, since adopted in every new constitution in the United States, such as those of California and Wisconsin.⁷⁴ He alluded to the remarks on a previous evening in reference to the attention to business of the hon. Attorney General. If there was a fault, it was that of paying too much attention to the Courts. At the close of last session he gave too much attention to these Courts to the neglect of business connected with Government, which he (Mr. M.) considered of far greater importance.⁷⁵

MR. CHAUVEAU ... would vote for the first reading of the bill, though ...[he] would not pledge ... [himself] to vote for the second reading.⁷⁶

MR. J. CAMERON thought there was one good reason why this bill should be introduced and that was the statement of the Inspector General that government cannot now expend any money without the authorization of parliament. If he admitted that the principle of the bill is already the law of the land, why object to defining more particularly what the law was! No one would say that the Attorney General had neglected his duties, but he thought it was clear that the duties of the Attorney General were incompatible with his holding a seat in the cabinet.⁷⁷

MR. MACKENZIE said, that if he understood the Attorney General right,⁷⁸ this was not a question of whether they should vote for this bill, but whether any bills should be introduced which the Government did not like.--It was a general question.⁷⁹ He did not know what the bill [would] be merely from its title, and would, therefore, consider it against the general rule to throw it out before the members had an opportunity of knowing what it contained. He then adverted to the clause in the bill which related to limiting the granting of pensions, and⁸⁰ he was in favor of that principle. When Mr. Blake was professor of law in the University of Toronto at a small salary, he wrote a pamphlet⁸¹ declaring that no puisse Judge should get more than £1000.⁸² He went to two constituencies and neither of them would elect them [sic], and then he went to the third riding of York and got returned. Well, he brought in a bill for increasing the number of judges in Chancery; for whom his bill provided salaries greater than he had stated in his pamphlet that any judge should get; he shelved himself by accepting the most lucrative of the judgments [sic], and provided⁸³ every Judge two-thirds of his salary as a pension on his retiring.⁸⁴ He (Mr. M.) was in the county of Haldimand the other day, and he said something about the cost of the public printing⁸⁵. The Ministerial candidate denied what he said⁸⁶, but as he had not the accounts to refer to he came to this house and enquired through another person of Mr. Lindsay if he could see the accounts. Oh no, they could not be seen. Well he (Mr. M.) got returned for Haldimand, and he came back to enquire for the papers; when he found Mr. Lindsay as polite as possible. He handed him the papers and on examining them he found that⁸⁷ instead of £6000 which the printing cost when the House had 63 members, now with the addition of 21 members, the printing had risen to £30,000.⁸⁸ Mr. Lindsay himself, the clerk of the House, received⁸⁹ but \$2000, he really had \$3000 made up by contingencies.⁹⁰ He did not say whether Mr. Lindsay was overpaid, but he objected that the country was not allowed to know what salaries the [public] servants received.⁹¹ He urged the Ministry not to object to the introduction of a bill, the printing of which would be a mere trifle, and then the country would know what the Hon. gentleman wished to bring out. He was determined at all events to do his duty to his constituents, and whenever they are tired of him he will retire quietly and thankfully into private life as he had been [in public life] for the last 15 years, with some little variation.⁹²

MR. SOL. GEN. DRUMMOND defended the practice of rejecting bills on their introduction, and said there were plenty of precedents for such a course in the British Parliament. The object was to prevent the waste of the time of the House.⁹³

MR. H. BOULTON spoke in reply to the preceding speakers, and in support of his bill. He did not wish to prevent the Ministry from expending small sums for contingencies; but from expending thousands of pounds without the authorization of Parliament. He contended that the bill was desired by the country.⁹⁴

MR. LETELLIER, (in French) spoke in favour of the introduction of the bill. He did not think that the present should be made a question personal to the Ministry; but, that they should pass it, that it might be a check for any succeeding administration. He was in favour of a check being placed upon the expenditure of public money; and if such a law did not exist in England, and was not asked for there, that was no reason why we should not ask for it, and have it here,--he would not attach any force to that kind of argument. He should not go into details upon the question until the bill of the hon. member was laid before the House.⁹⁵

MR. AT. GEN. LAFONTAINE was nearly inaudible in consequence of the bad position of the reporters' gallery, being almost immediately over his head, but he was understood to explain to the hon. member for Kamouraska that there was a law

which required the consent of parliament for all appropriations of public money. If there was not he should be desirous of having one.⁹⁶

MR. W. SCOTT (Two Mountains) asked if the bill was not a second edition of the one the hon. member attempted to introduce last session?⁹⁷

MR. J. SMITH (Durham) had voted against the introduction of the bill last session, but this session he intended to pursue a contrary course. The hon. member for Norfolk had long had this measure under consideration, and the subject was exciting a good deal of attention in the country at the present time; under these circumstances he thought the hon. member should have an opportunity of introducing his bill, and that it should be printed, that hon. members might consider the propositions contained in it. In taking that course he did not pledge himself to support the bill of the hon. member at its later stages. The present pension system caused dissatisfaction in the country.⁹⁸

MR. MERRITT in reply to the Attorney General said, that if the bill were passed, if a breach occurred in a canal it would be repaired. Such a contingency was provided for in the state of New York.⁹⁹

A few more remarks [came] from hon. members.¹⁰⁰

The motion was put.¹⁰¹

The clerk in the first instance declared that the vote was 25 for and 25 against the motion.¹⁰²

MR. MORIN the SPEAKER rose for the purpose of making some explanation of the vote which it was his intention to give. He believed that it had been the custom for Speakers, when an equal division arose, to vote for the introduction of a measure, and at its last stage to vote upon its merits, as being the most gracious and courteous course to pursue.¹⁰³

Here the Clerk told him there was a mistake, and the vote was 26 for the motion.¹⁰⁴

MR. MORIN the SPEAKER however, continued, and said he would give his reasons as he had began [*sic*]. On reflection, he had come to the conclusion that a Speaker was also the representative of a constituency, and should vote according to his opinion, in all the stages of a measure; and in the present case, as his opinions were against the bill, he should have voted for its rejection.¹⁰⁵

The following division was then declared--

Yeas--Badgley, Boulton of Norfolk, Boulton of Toronto, Cameron of Cornwall, Cayley, Chauveau, Christie, DeWitt, Dickson, Hopkins, Letellier, Mackenzie, MacNab, Malloch, McConnell, McFarland, Merritt, Meyers, Prince, Robinson, Sanborn, Seymour, Sherwood of Brockville, Sherwood of Toronto, Smith of Durham, and Stevenson--26.

Nays--Baldwin, Bell, Bouthillier, Cartier, Cauchon, Drummond, Dumas, Egan, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, LaFontaine, LaTerrière, Laurin, Morrison, Price, Ross, Sauvageau, Scott of Two Mountains, Smith of Wentworth, and Taché.--25.¹⁰⁶

(18)

Bill relating to
Public Monies
and Pensions.

The Honorable Mr. Boulton moved, seconded by Mr. Christie, and the Question being put, That leave be given to introduce a Bill to prohibit the expenditure of Public Monies for purposes not previously authorized by Law, and

to limit the granting of Pensions; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Chauveau, Christie, DeWitt, Dickson, Hopkins, Letellier, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, McFarland, Merritt, Meyers, Prince, Robinson, Sanborn, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, and Stevenson.--(26.)

NAYS.

Messieurs Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Solicitor General Drummond, Dumas, Egan, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Morrison, Price, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, and Taché.--(25.)

(19)

So it was resolved in the Affirmative.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Bill to authorize a Second Term of the Superior Court to be held in the District of Gaspé.

Ordered, That Mr. Christie have leave to bring in a Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to the Fisheries in the Gulf of St. Lawrence.

Ordered, That Mr. Christie have leave to bring in a Bill to remove all doubts as to the right of Her Majesty's subjects in Canada carrying on the Fisheries in the Gulf of St. Lawrence to land and occupy, for the necessary purposes thereof, any unoccupied places on the

North Shore or Labrador, within the limits of the Province, they may deem suitable thereto, and freely to carry on their Fisheries thereat.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Bill relating to Judgments of Commissioners Courts (L.C.)

Ordered, That Mr. Laurin have leave to bring in a Bill to render executory the Judgments of Commissioners Courts in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Real or mixed Actions Bill (L.C.).

Ordered, That Mr. Chauveau have leave to bring in a Bill to amend the Law in Lower Canada as regards the District in which real or mixed Actions may be commenced.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Then, on motion of Mr. DeWitt, seconded by Mr. McFarland, The House adjourned until Monday next.

APPENDIX: 23 MAY 1851.

[EXPLANATION RE: SIR A. MACNAB'S SECONDING MOTION FOR ADDRESS
TO HIS EXCELLENCY.]¹⁰⁷

SIR A. MACNAB ... said, my attention this morning has been called to a statement in the British Colonist, in which the writer seems to have fallen into an error which I am desirous of having corrected. It is well known that I entertained several objections to the Address, and had prepared three amendments, embodying my views. On, however, consulting with gentlemen on this side of the House, I understood their feeling to be against raising a discussion on those subjects at this time. I beg to be distinctly understood, when I say there has been no change of opinion with me on these subjects. After the resolution containing the Address had passed this House without amendment, and without a division, the Hon. Mr. Baldwin came over and asked me to name two gentlemen from this side of the House, to be on the Committee to draft the Address, which, in fact, was the resolution the House had passed, stating it was the practice of the House of Commons, on such occasions. I did so. It is needless for me to state that the Address was moved by Mr. Ross and seconded by Mr. Morrison. When the Address had been carried without amendment, the hon. Attorney General told him it was usual in such cases, for a leading member of the Opposition to second the subsequent motions leading to the presentation of the Address. It was upon that representation that he consented to become the seconder of that hon. gentleman's motion.¹⁰⁸

MR. AT. GEN. BALDWIN remarked, that he had not undertaken to say, that it was usual in cases of the kind in question, for members of the Opposition to second the Ministerial motion. He knew this was the case with the addresses on the birthdays, &c.; but it was so unusual for an Address in answer to the speech to pass without a division that he was really taken quite by surprise, and suggested the course adopted in order that he might not be wanting in courtesy. He put it by way of inquiry.¹⁰⁹

MR. H. SHERWOOD was glad that the hon. and gallant member for Hamilton had given this explanation, as it was calculated to remove imputations that had been cast against him.¹¹⁰ At the same time, he was sure the hon. Attorney General could point out no instance in England where a purely political motion, like the one in question, had been seconded by a prominent member of the Opposition. He was glad of the explanation, because had it not been made, he would have thought it his duty to bring the matter before the House, and ascertain if it were the intention of the hon. member to shake hands¹¹¹, saying we are good friends henceforth¹¹², and forget all that was passed [sic]. Against that he should have protested in the name of the Opposition.¹¹³ He repudiated the idea that by abstaining from opposing any part of the Address, he sanctioned the whole of its contents, or the policy of the Government. He did not approve of the Address, but inasmuch as no principle was involved in it, he did not deem it necessary to speak or vote against it.¹¹⁴

MR. AT. GEN. LAFONTAINE twitted Mr. Sherwood on his calling Sir A. MacNab a prominent member. The House had always taken the hon. knight for the leader of the Opposition. Now the hon. member for Toronto talked of protesting in the name of the Opposition. He ... [had] then, become the leader. As a matter of courtesy, perhaps the hon. member would state who was the leader of the Opposition. (Laughter.)¹¹⁵

MR. H. SHERWOOD said this was quite immaterial.¹¹⁶ The hon. member might think whatever he pleased. He (Mr. Sherwood) was an independent member of the opposition, and would continue so, while the present system of Government continued. (Laughter,)¹¹⁷

COL. PRINCE remarked that it was a luxury¹¹⁸, a great virtue to be an independent man¹¹⁹ like himself¹²⁰. (Laughter.) He recognized no leader. He formed no part of the tail of the Ministry, and God forbid that he should be a part of the tail on the other side. He was glad that the hon. and gallant member for Hamilton, had given the explanation to which the House had just listened¹²¹, for he confessed he had been a little shaken as to the consistency of that honourable member.¹²² He (Col. Prince) did not attend the discussion on the Address, because it seemed to him to be a mere chip in porridge--having nothing in it worthy of discussion.¹²³

[NOTICE OF MOTION RE: RECIPROCITY.]¹²⁴

MR. ROBINSON gave notice of a motion to obtain copies of correspondence between the Provincial and Imperial Governments, and the Government of the United States, on the subject of reciprocal trade with the latter country.¹²⁵

[NOTICE OF MOTION RE: ADDRESS CONCERNING COURT OF CHANCERY OF UPPER CANADA.]¹²⁶

MR. MACKENZIE gave notice of ... a motion for an Address to His Excellency the Governor-General, praying that the Chancellor of Upper Canada may be required to give directions to the registrars, clerks, and other accounting officers and receivers of the Court of Chancery, to furnish returns with reference to the funds in their possession, and under the control of that Court.¹²⁷

[NOTICE OF MOTION RE: RECTORIES.]¹²⁸

MR. MACKENZIE gave notice of ... [a motion] relating to Rectories and their incumbents.¹²⁹

[NOTICE OF MOTION RE: PUBLIC DEBT.]¹³⁰

MR. MACKENZIE gave notice of [a motion] relating to the public debt of the province.¹³¹

[NOTICE OF MOTION RE: PUBLIC BANKS.]¹³²

MR. MACKENZIE gave notice of [a motion] relating to public banks¹³³.

[NOTICE OF MOTION RE: CREDIT HARBOUR.]

MR. MACKENZIE gave notice of a ... motion for addresses relative to ... Credit Harbour.¹³⁴

[NOTICE OF QUESTION RE: TORONTO UNIVERSITY.]¹³⁵

MR. MACKENZIE gave notice of his intention to inquire of the Government when the report of the Commissioners who have been for two years continuously employed in an investigation of the affairs of the Toronto University, will be laid before the House¹³⁶.

FOOTNOTES: 23 MAY 1851.

1. EXAMINER, 28 May 1851.
2. The debate on this matter was reported by: MONTREAL GAZETTE, 27 May 1851; BRITISH COLONIST, 27 May 1851; EXAMINER, 28 May 1851; MORNING CHRONICLE, 28 May 1851; NORTH AMERICAN, 30 May 1851; and OTTAWA CITIZEN, 31 May 1851.
3. MORNING CHRONICLE, 28 May 1851.
4. BRITISH COLONIST, 27 May 1851.
5. IBID.
6. IBID.
7. EXAMINER, 28 May 1851.
8. BRITISH COLONIST, 27 May 1851.
9. MORNING CHRONICLE, 28 May 1851.
10. BRITISH COLONIST, 27 May 1851.
11. EXAMINER, 28 May 1851.
12. IBID.
13. MORNING CHRONICLE, 28 May 1851.
14. BRITISH COLONIST, 27 May 1851.
15. EXAMINER, 28 May 1851.
16. BRITISH COLONIST, 27 May 1851.
17. EXAMINER, 28 May 1851.
18. BRITISH COLONIST, 27 May 1851.
19. IBID.
20. IBID.
21. MONTREAL GAZETTE, 27 May 1851.
22. IBID.
23. MORNING CHRONICLE, 28 May 1851.
24. IBID.
25. EXAMINER, 28 May 1851.
26. IBID.
27. BRITISH COLONIST, 27 May 1851.
28. MORNING CHRONICLE, 28 May 1851.
29. EXAMINER, 28 May 1851.
30. BRITISH COLONIST, 27 May 1851.
31. IBID.
32. MORNING CHRONICLE, 28 May 1851.
33. IBID.
34. The following papers reported the debate on this matter in partially identical accounts: NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 31 May 1851, OTTAWA CITIZEN, 31 May 1851, PILOT, 31 May 1851, and JOURNAL DE QUEBEC, 3 June 1851, which translated from GLOBE of unknown date. The debate was also reported by: MONTREAL GAZETTE, 27 May 1851; BRITISH COLONIST, 27 May 1851; EXAMINER, 28 May 1851; and LA MINERVE, 26 May 1851. Commentaries appeared in JOURNAL DE QUEBEC, 31 May 1851; and JOURNAL DE QUEBEC, 3 June 1851.
35. NORTH AMERICAN, 30 May 1851.
36. IBID.
37. EXAMINER, 28 May 1851.
38. NORTH AMERICAN, 30 May 1851.
39. EXAMINER, 28 May 1851.
40. NORTH AMERICAN, 30 May 1851.
41. BRITISH COLONIST, 27 May 1851.
42. NORTH AMERICAN, 30 May 1851.
43. BRITISH COLONIST, 27 May 1851.
44. NORTH AMERICAN, 30 May 1851.
45. BRITISH COLONIST, 27 May 1851.

46. NORTH AMERICAN, 30 May 1851.
47. IBID.
48. EXAMINER, 28 May 1851.
49. NORTH AMERICAN, 30 May 1851.
50. EXAMINER, 28 May 1851.
51. BRITISH COLONIST, 27 May 1851.
52. EXAMINER, 28 May 1851.
53. NORTH AMERICAN, 30 May 1851.
54. IBID.
55. IBID.
56. BRITISH COLONIST, 27 May 1851.
57. EXAMINER, 28 May 1851.
58. BRITISH COLONIST, 27 May 1851.
59. IBID.
60. NORTH AMERICAN, 30 May 1851.
61. IBID.
62. BRITISH COLONIST, 27 May 1851.
63. NORTH AMERICAN, 30 May 1851.
64. IBID.
65. BRITISH COLONIST, 27 May 1851.
66. NORTH AMERICAN, 30 May 1851.
67. BRITISH COLONIST, 27 May 1851.
68. NORTH AMERICAN, 30 May 1851.
69. PILOT, 31 May 1851.
70. NORTH AMERICAN, 30 May 1851.
71. BRITISH COLONIST, 27 May 1851.
72. IBID.
73. NORTH AMERICAN, 30 May 1851.
74. BRITISH COLONIST, 27 May 1851.
75. NORTH AMERICAN, 30 May 1851.
76. BRITISH COLONIST, 27 May 1851.
77. EXAMINER, 28 May 1851.
78. BRITISH COLONIST, 27 May 1851.
79. EXAMINER, 28 May 1851.
80. NORTH AMERICAN, 30 May 1851.
81. EXAMINER, 28 May 1851.
82. IBID.
83. IBID.
84. BRITISH COLONIST, 27 May 1851.
85. EXAMINER, 28 May 1851.
86. BRITISH COLONIST, 27 May 1851.
87. EXAMINER, 28 May 1851.
88. BRITISH COLONIST, 27 May 1851.
89. EXAMINER, 28 May 1851.
90. BRITISH COLONIST, 27 May 1851.
91. EXAMINER, 28 May 1851.
92. NORTH AMERICAN, 30 May 1851.
93. EXAMINER, 28 May 1851.
94. BRITISH COLONIST, 27 May 1851.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.

100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. The following papers reported the debate on this matter in identical accounts: PILOT, 24 May 1851, BRITISH WHIG, 24 May 1851, MONTREAL TRANSCRIPT, 24 May 1851, MORNING CHRONICLE, 26 May 1851, and LA MINERVE, 26 May 1851. The debate was also reported by: MONTREAL GAZETTE, 27 May 1851; BRITISH COLONIST, 27 May 1851; EXAMINER, 28 May 1851; and NORTH AMERICAN, 30 May 1851.
108. BRITISH COLONIST, 27 May 1851.
109. IBID.
110. NORTH AMERICAN, 30 May 1851.
111. BRITISH COLONIST, 27 May 1851.
112. EXAMINER, 28 May 1851.
113. BRITISH COLONIST, 27 May 1851.
114. NORTH AMERICAN, 30 May 1851.
115. BRITISH COLONIST, 27 May 1851.
116. NORTH AMERICAN, 30 May 1851.
117. BRITISH COLONIST, 27 May 1851.
118. IBID.
119. NORTH AMERICAN, 30 May 1851.
120. BRITISH COLONIST, 27 May 1851.
121. NORTH AMERICAN, 30 May 1851.
122. BRITISH COLONIST, 27 May 1851.
123. NORTH AMERICAN, 30 May 1851.
124. The following papers reported the debate on this motion in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851.
125. NORTH AMERICAN, 30 May 1851.
126. The following papers reported the debate on this motion in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851. The debate was also reported by BRITISH COLONIST, 27 May 1851.
127. NORTH AMERICAN, 30 May 1851.
128. The following papers reported the debate on this motion in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851. The debate was also reported by BRITISH COLONIST, 27 May 1851.
129. NORTH AMERICAN, 30 May 1851.
130. The following papers reported the debate on this motion in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851. The debate was also reported by BRITISH COLONIST, 27 May 1851.
131. NORTH AMERICAN, 30 May 1851.
132. The following papers reported the debate on this motion in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851.
133. NORTH AMERICAN, 30 May 1851.
134. BRITISH COLONIST, 27 May 1851.
135. The following papers reported the debate on this question in identical accounts: NORTH AMERICAN, 30 May 1851, and OTTAWA CITIZEN, 31 May 1851. The debate was also reported by BRITISH COLONIST, 27 May 1851.
136. NORTH AMERICAN, 30 May 1851.

MONDAY 26 MAY 1851.

(19)

Quebec Trinity House.

MR. Speaker laid before the House the Accounts of the Trinity House of Quebec, for the year ending 31st December, 1850.

Appendix (E.)

For the said Accounts, see Appendix (E.)

Distribution of the Statutes.

And also, Return of the Printing and Distribution of the Public, Local, and Private Acts of the 3rd Session 3rd Parliament of Canada, 1850.

Appendix (F.)

For the said Return, see Appendix (F.)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of the Municipal Council of the County of Huntingdon.

By Mr. Fortier,--The Petition of the Corporation of the Seminary of Nicolet.

By Mr. Armstrong,--The Petition of the Reverend F.T. Lahaye, general Agent of the Communauté de St. Viateur, for the Colleges of Industrie, Chambly, and Rigaud.

By Mr. Sauvageau,--The Petition of A. Merizzi, Esquire, and others, Censitaires, of the County of Huntingdon.

By Mr. Notman,--The Petition of James Rae and others, Councillors of the Township of Westminster.

By Mr. Cauchon,--The Petition of N.F. Belleau, Esquire, Mayor, on behalf of the Citizens of Quebec.

By Mr. Guillet,--The Petition of David Trudel and others, Censitaires, of the County of Champlain.

By Mr. Laurin,--The Petition of C.H. Lassiseraye, of Montreal.

By Mr. Fergusson,--Two Petitions of the Municipal Council of the County of Waterloo; the Petition of W.D. Powell, Esquire, Chairman, and Thomas Saunders, Clerk of the Peace, on behalf of the Magistrates of the Court of Quarter Sessions for the County of Waterloo; and the Petition of the Municipality of the Township of Guelph.

By Mr. Lacoste,--The Petition of the Corporation of the Chambly College.

By Mr. Dumas,--The Petition of A.M. Delisle and William H. Brehaut, Esquires, of Montreal; and the Petition of L.G. Brown, Esquire, and others, of the County of Beauharnois.

By Mr. Taché,--The Petition of the Reverend P. Boucher and others, of the Parishes of Ste. Anne and Cape Chat; the Petition of F.X. Poulin, Esquire, M.D., and others, of the Parish of St. Germain de Rimouski; the Petition of William E. Page and others, of Metis, County of Rimouski; and the Petition of Joseph Morency and others, Pilots for the Port of Quebec.

By Mr. Holmes,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal, and others, the Congregation of St. Patrick's Church, in the City of Montreal.

By the Honorable Mr. Boulton,--The Petition of John Rolph, Esquire, and others, Licentiates in Medicine; and the Petition of the Woodstock and Lake Erie Railway and Harbour Company.

By the Honorable Mr. Cameron of Cornwall,--The Petition of the Port Hope Harbour and Wharf Company.

By the Honorable Mr. LaTerrière,--The Petition of Joseph Painchaud, Esquire, and others, Physicians and Surgeons, of the District of Quebec; the Petition of Baptiste Tremblay and others, of St. Louis de l'Isle aux Coudres, County of Saguenay;

and the Petition of Louis Harvey, Esquire, and others, of the Parish of St. Louis de l'Isle aux Coudres, County of Saguenay.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend Antoine Racine and others, of Stanford, Blanford, Bulstrode, and Maddington, District of Three Rivers; and of M. Noël and others, of Arthabaska, Chester, and Warwick, District of Three Rivers; praying the adoption of measures for the colonization and improvement of the Eastern Townships,--the amendment of the Municipal provisions, and the terms by which Clergy lots are governed,--and the opening and improvement of certain Roads and Bridges in the said Townships.

Of the Reverend P. de Villers and others, of the Township of Arthabaska, District of Three Rivers; of Edouard G. Paradis and others, of the Township of Chester, District of St. Francis; of P. Prince, Esquire, and others, of the Townships of Stanford and Blanford, District of Three Rivers; and of Bernard Garraud and others, of the Township of Warwick, District of Three Rivers; praying aid to

(20)

improve the Arthabaska Road, and to construct a Bridge across the River Bécancour.

Of Ignace Portneuf and other Indians of Sault St. Louis, District of Montreal, and St. François, District of Three Rivers; praying for certain amendments to the Act for the better protection of the lands and property of the Indians of Lower Canada.

Of F. Papino and others, Chiefs and heads of families of the Indian Tribes of Algonquins and Nipissings residing at the Lake of Two Mountains; praying the adoption of certain measures for their protection, and for the improvement of the Indian Tribes in Lower Canada.

Of M. L. Helliwell and others, residing near the line of the Welland Canal; praying for the passing of an Act to incorporate a Company for the purpose of purchasing the Welland Canal lands between St. Catharines and Thorold, and of encouraging the erection of manufactories thereon.

Of Peter Paterson, Esquire, and others, Merchants, of Quebec; praying an extension of the Act authorizing the formation of Joint Stock Companies in Lower Canada, to Companies for the completion of Booms across the Rivers Bécancour, Gentilly and Nicolet.

Of Urbain Beaudet and others, of the Parish of St. Jean les Chaillons; praying the adoption of certain modifications with reference to the Seigniorial Tenure in Lower Canada.

Of the Reverend Edouard Faucher and others, of the Parish of St. Louis de Lotbinière; praying the adoption of certain measures to remedy the inconvenience arising from the destruction by fire of the Registers of Marriages, Baptisms, and Burials in the said Parish.

Of John G. Bowes, Esquire, and others, Heads of Municipalities in Upper Canada; praying the passing of an Act to incorporate the Kingston and Toronto Junction Railroad Company.

Of the Reverend Stephen Lett, L.L.D., and others, Clergy and Laity, Members of the United Church of England and Ireland, in the Diocese of Toronto; praying an Act of Incorporation under the name of "Trinity College."

Of Edouard Robitaille and others, of Charlesbourg and other Parishes, County of Quebec; and of the Honorable F.W. Primrose and others, of the County of Quebec; praying that the Charlesbourg Road extending beyond the mile and a half to be macadamized above the Charlesbourg Church, may be placed under the control of the Quebec Turnpike Trustees to the distance of two miles in the direction of Lake Beauport, and of four miles and a-half in the direction of Stoneham.

Of Stephen S. Foster, Esquire, President, and others, Directors, on behalf of the Shefford Academy, praying the usual aid in support thereof.

Of Prudence Richardson, of Barrie, County of Simcoe; praying an extension, in her behalf, of the time allowed to put in claims for damages done by the construction of Public Works on the River Trent.

Of C.T. de Montigny, Esquire, and others, Censitaires of the Augmentation of the Seigniority of Mille-Isles, County of Terrebonne; of the Reverend Joseph Crevier and others, of the Parish of St. Pie, County of St. Hyacinthe; of Julien Brossois and others, Censitaires of the Parish of St. Clément de Beauharnois, County of Beauharnois; and L. Archambeault and others, Censitaires of the Seigniority of L'Assomption, County of Leinster; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure.

Of Peter Desjardins, Esquire, and others, of the Township of Tilbury West, County of Kent; praying the passing of an Act to attach the said Township to the County of Essex.

Of Joseph Bruneau and others, of Lower Canada, Militiamen; of Louis Giguère and others, of Lower Canada, Militiamen; and of Gervase Maccomber and others, of Montreal, Militiamen; praying for the passing of an Act to extend the time for producing Militia claims.

Of William Brooks, Esquire, and others, Trustees of the Sherbrooke Academy; praying the usual aid in support thereof.

Of J. Lougee and others, Trustees of the Academy in the Township of Compton, District of St. Francis; praying aid in support of the said Institution.

Of the Corporation of the College of L'Assomption; praying for an increased aid in support thereof.

Of J.O.A. Turgeon, Esquire, Mayor, and A. Gorrie, Secretary-Treasurer, of the Municipality of the County of Terrebonne; praying for the passing of an Act to remove the place for the meetings of the Council of the said Municipality to the Village of Terrebonne.

Of Angus D. Macdonell and others, praying for the passing of an Act of Incorporation to enable them to construct a Ship Canal around the Sault Ste. Marie Falls.

Of the Municipal Council of the County of York; praying certain amendments to the Municipal Council Act.

Of Peter Hunter Hamilton, of the City of Hamilton, Esquire; praying for the passing of an Act granting to him a certain portion of an original Road allowance in the fourth Concession of the Township of Barton, in lieu of an allowance of Road granted by him through his lands for the better convenience of the public.

Of the Great Western Railroad Company; praying for the passing of an Act to consolidate and amend the provisions of their Charter.

Of Margaret Powlus and Catherine John, of Brantford; praying for aid in consideration of the services of their father, the late Chief Teyendanaga--Colonel Joseph Brant, as also of their brother Captain John Brant.

Of James Madison Andrews and others, of Port Hope, County of Durham; praying for the passing of an Act to vest in them and certain other parties, respectively, certain portions of Road allowances therein described in lieu of lands given by them for the convenience of the public.

Petitions to
be printed.

Ordered, That the Petition of Julien Brossois and others, Censitaires of the Parish of St. Clément de Beauharnois,
be printed for the use of the Members of this House.

Ordered, That the Petition of P. Papino and others, Chiefs and Heads of Families of the Indian Tribes of Algonquins and Nipissings, residing at the Lake of Two Mountains, be printed for the use of the Members of this House.

Ordered, That the Petition of the Reverend Edouard Faucher and others, of the Parish of St. Louis de Lotbinière, be printed for the use of the Members of this House.

Quebec Trinity
House Accounts.

Ordered, That the Accounts of the Trinity House of Quebec, for the year ending 31st December 1850, be printed for the use of the Members of this House.

Petition of
P. Paterson and
others.

Resolved, That the Petition of Peter Paterson, Esquire, and others, Merchants of Quebec, be referred to a Select Committee, composed of Mr. Laurin, Mr. Bouthillier, Mr. Fourquin, and Mr. Guillet, to examine the contents

(21)

thereof with all convenient speed; with power to send for persons, papers, and records

Of the Rev. E.
Faucher and
others, refer-
red.

Resolved, That the Petition of the Reverend Edouard Faucher and others, of the Parish of St. Louis de Lotbinière, be referred to a Select Committee, composed of Mr. Laurin, Mr. Christie, the Honorable Mr. LaTerrière, the Honorable Mr. Chabot, and Mr. Fournier,

to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of the Honorable Mr. Boulton, seconded by Mr. Hopkins,

Public Works.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause the proper Officer to lay before this House, a Tabular Return of all the Plank or Macadamized Roads, Toll Bridges, Mills, Dams, Slides and Harbours, in possession or under the control of the Provincial Government during or since the year 1849; the amount of the annual receipts therefrom; the annual or incidental expenses either of management or repairs, distinguishing each head; the sales that have been effected thereof, or of any of them; the date of such sales respectively; the names of the parties who became such purchasers; the dates at which they were respectively put in possession and receipt of revenues or profits thereof; the amount of purchase money, and terms of payments in each case; the amount of security required, and the security given; and also, Copies of all Correspondence that may have taken place between any Member of the Government and parties negotiating for any such purchases.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. MACKENZIE¹ then moved the first reading of the Bill to repeal certain provisions of the Upper Canada Trust and Loan Company's Act. He said that a law had lately been passed to enable a Company in Upper Canada to lend money at² a higher rate of interest than³ [the] six per cent⁴ allowed by Provincial law.⁵ He understood that the intention of the Company was to borrow money in London at 5 per cent, and lend it again at 8 per cent. That was one part of the intention, the other was to make money in the way in which many persons have made a great deal of money in this country; that was, when a farmer wanted to borrow money, to inform him that the capitalist could make more than 6 per cent; but to allow him to be told by a third party that he might mortgage his property and sell that mortgage. In that way it was true the borrower got his own; but the mortgage was sold at such a price that the lender got 15 per cent on his money beforehand, so that the borrower had to pay 6 per cent on £85 instead of £100. The bill, he said, was passed by the hon. member for Kingston, and the hon. Inspector General, at the flag end of the session,⁶ when a large number of members were absent; and⁷ when no one knew what was being done. It was absurd then to refuse persons the liberty of lending money at⁸ more than six per cent., without risking the principal⁹ if they

came into the country; but at the same time to allow a company in London to receive 8 per cent.¹⁰ In 1843 an Act was passed enabling persons to lend money on real estate, roads, &c. The capital was \$2,000,000; but the Company was expressly prohibited from taking more than legal interest--more than any one else would be punished for taking. Since then, another Company somehow connected with this, was formed in London; they were allowed to take eight or nine per cent. What he most objected to was the absurdity of the legislation of this House on the subject of interest. You first lay down as a principle that six per cent is the rate of interest which ought to be the legal interest; you kick out the bill of the hon. member for Toronto, for allowing all persons to take what interest they can obtain; the upper house pass a similar bill introduced by Mr. Ross; and then you turn round and allow this Company to take eight or nine per cent.¹¹ He therefore called upon the House¹² [to] be consistent, and either repeal the usury laws altogether, and let money find its value like any other commodity;¹³ or to repeal the insidious and unjust privileges which have been conferred on the Trust Company¹⁴, [enabling] them to take a higher rate of interest than others are allowed to take.¹⁵ The Managers and principal shareholders of the Company are resident in England, and have no interest in the prosperity of Canada; and he predicted that the result of its operations will be as calamitous as those of the Canada Land Company, whose members, although mere adventurers in London, were allowed to seize immense tracts of the finest lands at 1s. per acre, and to lease them to tenants on ruinous terms, while the honest farmer was denied the slightest consideration. The Trust Company are invested with powers which may well make the lovers of justice and fair play stand aghast. His own conviction was strong in favour of the maintenance of the Usury Laws which are as necessary to protect the great mass of society against a few who combine to lend, as laws against theft, or robbery, or murder.-- (Cries of "Oh, oh!" and "Hear, hear.") The first usurer was Jacob, who for a mess of pottage, gained the inheritance of his elder brother; and from his time downwards, there have been men who have never scrupled to take advantage of the necessities of those who required pecuniary assistance.¹⁶ [This attitude] he thought would be followed by the bankers of Upper Canada He then went into the discussion of the general principle of the usury laws. He began by mentioning the changes which had taken place in England by permitting interest to be taken to any extent except on mortgage; and then stated that in France the Usury Laws had been once repealed but again imposed; and that in the United States the same laws were still enforced throughout. He was in favour of enforcing these laws, for to drive a chariot safely the reins must be held tight and so must the usurers. It was the lenders who wanted to repeal these laws; but the farmers kept them on. The bible pronounced the heaviest crimes against usurers, and so did the Rev. Father O'Callaghan, and the Catholic Church by a whole series of rescripts¹⁷, and the same principle has been sustained in nearly every civilized country.... Reverting again to the subject of his motion, he characterised the Trust and Loan Company as a "pack of usurers," licensed to borrow money in England at 3 or 3½ per cent, and lend it to Canadian farmers at 8 or 9 per cent; and urged the necessity of preventing this anomaly; in order to protect the honest hard-working farmer.¹⁸ After the bill of the member for Toronto had been thrown out, the Trust and Loan Company's Act was pushed through in a very discreditable manner.¹⁹ Such a measure never could have passed the House of Assembly but for the iniquitous system which enables a few small boroughs to counteract the will of large constituencies. The Legislative Council passed it with indecent haste, having had it brought up on the 6th August last, and read a first and second time on the same day; and finally passed on the followinig [sic] day. The time was when that Council was too costive to pass any thing; but the Russell purge has worked a wonderful change; and now that so-called deliberative body will pass any thing, at any time, and for any purpose. The hurried

passage of this bill through both houses was on a level with the fact that its contents have been carefully withheld from the public eye.--Rather than adopt this provision--which places the real estate of the Province at the mercy of distant sharks--it would have been better for the Government of Canada to borrow money in England at 3 or 3½ per cent., and to lend it at 8 or 9, applying the profit to the uses of the Province.²⁰ The hon. member then went into the history of money laws both in Europe and the United States, and argued therefrom the necessity of maintaining the usury laws. When he went into Haldimand the other day, he found Mr. Brown strongly in favour of the usury laws; a pupil of Mr. Hincks' school of politics; another of the candidates (Mr. Case) went for the repeal of the usury laws; while he (Mr. Mackenzie) told the electors he would not give one vote for the repeal of the usury laws if he should lose ten elections. Well, they replied, you are the man for us; and he got elected. That was the opinion up the country, and he believed it was the opinion below too.²¹ If permitted, he displayed his address to the electors of Haldimand, and read the paragraph relating to the usury laws. He proceeded to cite from the act, with a view of showing that it allowed the taking of unlawful interest. The shareholders were allowed to borrow \$2,000,000; he did not know who they were; but no inquiry was ever made into their affairs.²² He then went over the existing usury penalties for violation; and inquired if every country on this side of the Atlantic maintained laws that protected the poor against the rich, the many against the few; if France and other countries of Europe maintained like laws should we repeal in whole or in part the same protecting laws? He had always conceived that the usury laws recognized the principle that property has its duties as well as rights. There was no power in this country so potent for reducing the number of freeholders, and placing the many under the subjection of the few at the money power.²³ This law was the best contrived of all others to diminish the number of freeholders [sic] just as the number of freeholders had been gradually reduced in Ireland till, at present, the mass of the people had no more interest in the soil than he had in the house that he might rent.²⁴ We must stop it, if we intend to prevent the liberties of the country being placed at the mercy of bankers, usurers, brokers. It was no matter what the form of government was if the money power, with its scrip and its hocus pocus were enabled to control the elections. He complained of the secret kind of legislation practiced in this house, and compared it to the clerk having a salary of \$2,000, as appeared in the public accounts, and \$3,000 in reality.²⁵ He then pointed out the manner in which the bill had been passed at the end of the session, and especially remarked upon the fact that it was not printed with the public acts²⁶. The rule which required notice to be given of this intended alteration in the usury laws, so far as this company was concerned was disregarded²⁷ on purpose as he said to keep the matter secret, just as clergymen of one denomination got grants which were not published to men of other denominations, and companies obtained privileges which were kept from the knowledge of rival companies.²⁸ The bill was passed after midnight, in this house, when only 31 or 34 members were present, and the other house did the thing almost in a minute. He then read the prospectus of the company, remarking severely on the part of the document which assures stockholders that the directors in London will have complete control over the business done in Canada. A similar company, in the State of New York, divided an annual dividend of 7 per cent.²⁹ In New York, in 1846, when 186 men met in a convention, the subject of usury was brought before them, but they refused even to make a report upon the subject of its abolition. And in Albany, in 1841, a bill for abolishing it was thrown out, the members being convinced that it was not needed by their constituents.³⁰ During the commercial revulsion of 1848, which was severely felt in this country, money became very scarce at New York, and people began to borrow money at rates that would astonish any body,

but the State legislature never thought of repealing the usury laws.³¹ New York to this day legislates to protect the necessitous against the encroachments of the covetous; while Alabama, which repealed its usury laws, furnished melancholy examples of the result of the procedure.³² The people at length had to put on the chain again. ... One of the most considerable causes for the enactment of the usury laws was the monopoly of the Banks of England and France, which brought about periodical crashes, and increased the rate of interest to an extent perfectly astonishing. He then reverted to the interest on the debt paid to England, which he did not like, and quoted Mr. Merritt's speech on ... a preceding occasion to prove that³³ the government was about the most corrupt and extravagant government on the continent of America.³⁴ That gentleman had been behind the screen, as Mr. M. Cameron had been behind the screen, and the former told the House this year, what the latter told them the year before, that the ministry of this province was corrupt. Yes, Mr. Merritt having voted with the government on every occasion far [*sic*] some years past, now said, just about the time of a new election, that this new government was the most corrupt in the world.³⁵ It taxed the people in the most ingenious way, for getting the most out of them.³⁶ To return to the usury laws.--People now made their investments in the United States, because they could do so safely, which could not be done in Canada, where there were rebellions one day and riots another. What the country wanted was not more interest, but the abolition of the Clergy Reserves and the dominant church³⁷, which helped to drive capitalists from the country. This question of the usury laws was no party question. He then remarked on the absence of members from the house when the question was up in past years. The Trust and Loan company's act was an act to lessen the number of freeholders; he quoted Sir Walter Scott as an authority on the usury laws, to the effect that usurers, who at that time were allowed to take only 5 per cent, would strip many young persons of their estates. Money was the measure of everything; then why make one money law for this company and another for all the rest of the community? But it may be said you have no right to repeal the law. He did not accept this doctrine. What the legislature had a right to do at one time, it had a right to undo at another.³⁸ The hon. member proceeded at great length to argue in support of his motion, introducing, in the course of his argument, a multitude of topics having little direct reference to the point at issue. At one moment he contrasted his own "uneventful life" with the money-making propensities of other men--then expounded the tendency of the aristocratic legislation of England, and went back to show how things were managed in the bright days of the Roman Republic--then dealt out severe blows upon the heads of sundry members of the Provincial Cabinet, and suddenly carried his hearers back to Sparta, and the legislation of Lycurgus³⁹. He ... drew a florid picture of the happiness of Sparta for seven hundred years, and called on the House to strive to imitate the virtues and prosperity of that ancient state.⁴⁰ Mr. Mackenzie concluded by moving, seconded by Mr. Taché, for leave to bring in a bill to repeal so much of the Trust and Loan Company's Act as allows them to take a higher rate of interest than others are allowed to take.⁴¹

MR. MERRITT complained that the hon. member for Haldimand had stated that he (Mr. Merritt) had been behind the scenes, and had stated that his was the most corrupt and extravagant government on the continent of America, thus leaving the impression that he (Mr. Merritt) had described his colleagues as corrupt. He spoke of a system, not of the government.⁴²

COL. PRINCE said this was the first time he had had the pleasure of hearing the member for Haldimand [during] this parliament. He (Mr. M.) had spoken on all conceivable and inconceivable subjects. He had no objection to some things he had said, and not much objection to any thing he had said; but he had thought of getting up and asking a favour of the member for Haldimand, and that was, that he would try

to be a little shorter, if he could, in his speeches.⁴³ The hon. member's speech had convinced him, though not very easily convinced, that his bill ought not to pass. The hon. member had talked about many things, which should not have been introduced at all, [such] as the Clergy Reserves, &c., but he (Col. Prince) objected to the bill, because the present⁴⁴ act of the Company is the law of the land, has been promulgated as such in England, and⁴⁵ had induced persons in England to invest their capital⁴⁶. Having been acted upon, to his knowledge, by parties in the Province⁴⁷, to repeal the law now would be to break faith with a creditor. Besides, he was not so much in favour of the usury laws as the hon. member for Haldimand.⁴⁸ The talk about the necessity of these laws to protect the poor from the avarice of the rich, seemed to him to have little weight. An extensive cultivator of land himself, he knew that no poor farmer could afford to borrow money at any rate of interest⁴⁹, even at 6 per cent. It was not the farmers who would or could borrow; but in this young country, the farmers were not the only classes to be consulted, and unless he heard more arguments against the repeal of the usury laws than those of the hon. member, he would vote as he had before voted--for their repeal. He was generally in favour of the first reading of bills; but he had now heard all the arguments in favour of it.--He did not feel inclined to give the hon. member much credit for the statement that it was not for popularity that he sought to bring in this bill; for he (Col. P.) did not know anything more popular than such an attack upon a chartered company.⁵⁰ But if a farmer or any other man be placed in circumstances in which he finds occasion to seek pecuniary assistance, he⁵¹ did not see any reason why a man might not⁵² be at liberty to make any bargain he may choose with an individual, or⁵³ [with] such a loan company, as he might sometimes save his property from the hammer at Sheriff's sale by such means.⁵⁴

MR. MACDONALD⁵⁵ ... was nearly inaudible in the reporter's gallery. He was understood to contend that objections generally urged against the repeal of the usury laws, did not apply⁵⁶ with full force to the Trust and Loan Company's Act, which confers a power not exceeding that already possessed by bodies in Lower Canada⁵⁷ [which] were allowed to take as high rates of interest. He considered it out of all question for the House to allow this bill to be introduced, as it would destroy Canadian credit in England. He did not press the bill at an early period of last session, because he wanted to see what action the house would take on the bill of the hon. member for Toronto, for the repeal of the usury laws.⁵⁸

MR. INSP. GEN. HINCKS said his opinions on the usury laws were so well known that it was unnecessary to repeat them⁵⁹, [and he] would not have made any remarks upon this subject, but for the allusions made by the hon. member who introduced the motion. The repeal or modification of the Usury Laws was a matter of secondary importance compared with the present motion, which is a proposition calling upon this House to sanction a breach of faith. If they were prepared to repeal an Act this session which passed only last session, what faith would any corporations put in⁶⁰ Canadian charters?⁶¹ He called upon the hon. gentlemen to reflect that⁶² the whole property of the country is at stake by the proposition of the member for Haldimand. He was certain that there was not a gentleman in the house who would not come forward on the occasion and object to the motion. He recollected that when in England, a year or two ago,⁶³ he had himself proposed this measure to parties interested ... because he had understood that the great objection to the usury laws, was to be found in the fear that if they were repealed, it might ruin persons already indebted.⁶⁴ He was told by a gentleman connected with this company, that it could not go into operation till alterations were made in the act.⁶⁵ As he (Mr. H.) was spoken to on the subject, he told them that it was very doubtful whether⁶⁶ the public opinion of the province would sanction a

repeal of the usury laws⁶⁷. A bill for repealing these laws would [probably not] be carried, although it was brought forward; but he considered there would be less objection to a bill to allow money to be borrowed at⁶⁸ more than six per cent.⁶⁹ Every one will admit that the credit of the City of Toronto is good, yet their securities cannot be negotiated at par, nor is the security of our best municipalities equal to more than 7 per cent. In the city of New York, every one knows, they are lending money at 7 per cent.⁷⁰ It was indeed absurd to suppose that English capitalists would lend money at 6 per cent, in Canada, when the expenses of bringing it out here, would reduce that per centage below 6 per cent, which they could get at their own doors ... and he did not believe there was a single railway built in the United States, on which the money had been obtained at less than 7 per cent. This law would certainly have the effect of bringing money into the market, and so in the long run, reducing the rate of interest. No one would be compelled to borrow money, unless he found it for his advantage.⁷¹ The hon. member had said if it was necessary to borrow money to improve farms, it would be better for the government to borrow it at $3\frac{1}{2}$ per cent; thinking no doubt that such clap trap would go down with persons who know nothing of the matter; for every one who knew any thing about it, knew that money could not be borrowed by the government at $3\frac{1}{2}$ nor 4 per cent.⁷² He (Mr. H.) would like to know where the Government could get the money at 3 or $3\frac{1}{2}$ per cent., to lend it out themselves. He fully agreed with the remarks of the hon. member for Kingston. He trusted that the House would show by the course they take upon this measure, that they are not prepared to violate the faith they pledged themselves to last session.⁷³

MR. HOLMES said he⁷⁴ was not in favour of rejecting the first reading of bills; but⁷⁵ considered that if ever there was an occasion for the Legislature to come forward and refuse the introduction of a bill, that occasion was the present. He felt satisfied that if this bill was introduced, the mere introduction of it would convince the capitalists of England that we are a set of men (hear, hear) in whom⁷⁶ [no] good faith⁷⁷ can be placed. He would give his vote in opposition to the introduction of this measure, and he trusted the House would not for a moment entertain it, but would refuse by⁷⁸ an almost unanimous majority⁷⁹ to entertain it at all.⁸⁰ He had listened to the⁸¹ excellent⁸² arguments of the hon. member against the usury laws, and he thought if any argument could be adduced against these laws, he (Mr. M.) had certainly advanced some.⁸³ That gentleman had shown many examples of the evil of usury under the present system⁸⁴, but which have gone directly for the repeal of the Usury Laws. He has told us of a certain individual in the Niagara District, who has got the control of three fourths of the county.-- If that individual has managed by usurious transactions--by lending money at enormous rates of interest--to get possession in bonds and mortgages upon the estates of the poor farmer, until he has gained the power of three fourths of the country [sic], surely the sooner such laws were got rid of the better. The poor man of this country, at all events, he thought had sufficient intellect⁸⁵ [not to] be led away with clap-trap speeches to suppose that any one would be compelled to go and borrow money of this company, or to think themselves injured by having the opportunity to borrow or let it alone as they pleased⁸⁶, and they would not likely go to this Company, and borrow money at a high rate of interest if they did not find it to their advantage to do so.⁸⁷ The very introduction of this bill, whatever might be its fate, would have a most disastrous effect in England, where we should be regarded as people on whom no dependence could be placed, and classed with some of the American States that had repudiated their debts.⁸⁸ He hoped there would be but one opinion on the measure before the House, and that they at once reject it, to convince the people of England they were determined to keep faith [with] them,--(Hear, hear.)⁸⁹

MR. H. SHERWOOD was prepared to vote against the introduction of this measure at its first stage, and therefore he felt it necessary to make a few remarks. The other day, when a measure was brought forward which involved a principle, although not prepared to pledge himself to support that measure, he was prepared to vote for its introduction in order to determine what course he should take, and so he should be prepared as a general rule to do with all measures that might be introduced. It had been observed by the three preceding speakers, that this measure should be rejected, and he himself felt, the very first moment the proposition was made that it should be checked in the bud. The very fact of making this proposition will give the idea abroad that we are a parcel of swindlers⁹⁰ on whom no dependence could be placed, who first invited persons to subscribe to the stock of the company, and then broke faith with them.⁹¹ (Hear, hear.) In the United States of America they cannot pass a law imparting the obligation of a contract--if they do so, there is a tribunal before which it can be brought and it is there pronounced a nullity. Here, where we boast of the omnipotence of Parliament, we have no law binding us down to make reparation for a breach of faith. He trusted there was principle enough in the House yet, sufficient to prevent so unjust a measure to be carried out as to allow people to subscribe for stock on the faith of a law passed by the Legislature, and then to render that measure of no effect. If we consent to this it is evident that we shall be open to the charge that there can be no confidence placed in our Legislature. That there is no stability, no determination to carry out our contracts. That will go far and wide, and it will serve to maintain the high standing the credit of this country has in England as well as in other parts of the world; and he believed that the vote now to be given by the house would do more good than was anticipated by the hon. member who brought in this measure.⁹²

MR. REC. GEN. TACHE supported it, because he was opposed to the system of usury last session. He had not noticed the bill, and, therefore, had not opposed it. He did not wish to withdraw the privileges granted without compensation; but thought it possible to arrange with the shareholders.⁹³

MR. SOL. GEN. DRUMMOND said, the hon. member for Haldimand, would seem to convey the idea that the charter of that company was obtained by fraud and misrepresentation. He persists in referring to the United States⁹⁴--and he was right in doing so, if he found anything good there--he should know that no legislature in the United States could pass a law like this⁹⁵. He might have found a better example in the revised statutes of New York⁹⁶. By referring to the State of New York he would see that a bill once passed by that State investing a company with certain powers cannot be set aside by a subsequent vote of that State.⁹⁷ It appeared that there, the only way to set aside the charter of a public company was to direct the Attorney General to bring an action before the Courts, and get it set aside on account of its having been obtained by fraud or force.⁹⁸ He did not think it could be shown that this bill was smuggled through the House. Did the hon. gentleman mean to say that the members who voted for this bill did not know what it meant. So far back as 1840 the turnpike roads in Lower Canada could not have been made had not a Road Company agreed to lend money at 8 percent, for that purpose. But even if dangerous privileges had been granted to this company, they could not withdraw the powers granted to it.⁹⁹ We had given this company what we could not take away from it; we had said, if you do certain things we will give you certain privileges.¹⁰⁰ The faith of the country was pledged to it, and he thought the hon. member who introduced the measure was too honourable to wish to do anything¹⁰¹ [to] inflict a blow on our credit from which it would not recover for years.¹⁰²

MR. AT. GEN. BALDWIN heartily concurred in the remarks of the honorable members for Toronto and Oxford¹⁰³, referring to the bill granting the charter to the

Company, [and] said he felt it his duty to vote against it. So far as he remembered the bill passed the committee on a Saturday, when he was absent on duties elsewhere. However, although he maintained the opinions he had formerly expressed upon the Usury Laws generally, and should have voted against the bill had he been present, he could see a vast difference between that and a proposition for the repealing of that measure. He concurred as to the impropriety of tampering with those rights they had already granted, as it would have a direct tendency to shake the credit of the country¹⁰⁴, and so destroy all confidence in the legislation of the country.¹⁰⁵ It was not a want of courtesy to any member to reject a bill that the mind of the House is clearly made up upon. He had occasion last session to refer to 16 bills¹⁰⁶ of all kinds¹⁰⁷, all of which had been refused an introduction¹⁰⁸ by the House of Commons¹⁰⁹. (The hon. gentleman here read the names of the bills rejected,) and said that where a bill was introduced on a subject on which legislation was not desirable, it was certainly better for the country and for the House to refuse its introduction, and this should not be considered a want of courtesy. Mistaken notions upon such a point should not be entertained by the House, because it tended very much to embarrass business. When the mind of the House is fairly made up upon a measure¹¹⁰ before hand¹¹¹ it was not want of courtesy to say that no legislation was required upon it. He thought the passing of the present proposition would injure the credit of the country very materially. He considered the House bound to make good the act they pledged themselves to last session, as no compensation would make up for the breach of faith to these parties, which the passage of this measure would necessarily involve.¹¹²

MR. CHAUVEAU was prepared to vote against the measure.¹¹³ [He] said that although he objected as a general rule to the rejection of bills in their first stage, he was willing to admit that there might be exceptions¹¹⁴--unconstitutional measures like that to repeal part of the Union Act last year by the hon. member for Norfolk; or like this bill¹¹⁵ when an attempt was made to tamper with a charter. He certainly did feel indignant at the way in which the bill was passed last Session¹¹⁶, because he had voted against the repeal of the usury laws throughout the session, and this was in fact a repeal of those laws.¹¹⁷ When he heard the Royal assent given to it it was remarked to him that we had been sold¹¹⁸, but the consequence would be that the members would have to watch closer upon the House, to see that no other bill of a similar nature is hurried through.¹¹⁹

MR. CAUCHON was opposed to the repeal of the Usury Laws, taking into consideration the present condition of the country, as it would be ruinous to the greater portion of Lower Canada. The law that was passed last session he would have opposed had he known that it was going on; but it was now passed and¹²⁰ he opposed this bill¹²¹ to repeal it¹²² on the ground that certain interests would be affected by it, and the confidence and credit of this country lost.¹²³ He would for that reason object to the proposition.¹²⁴

MR. CAMERON was glad of the respect now shown to acts of Parliament, and hoped that when other acts came up he might congratulate hon. gentlemen opposite on being as tender about touching them.¹²⁵

MR. MACKENZIE stated that his object in having spoken so long in the introduction of a bill, was simply because of the attempt made on Friday to prevent the introduction of a bill by an hon. member. He was desirous, therefore, that if the bill was not introduced, the House should know what he meant by it.¹²⁶ [He] said the Trust and Loan Company's Act was perpetual; it was to exist forever. He was astonished to hear the hon'ble Attorney General for Canada West say he was opposed to the repeal of the Usury Laws and yet was in favour of giving this Company eight or nine per cent. But this most excellent Act did not apply to Lower Canada; she was not to have the benefit of it. No member of this House could show a single

instance in the whole civilized word [sic] where a measure of this kind had been smuggled through as this Act was at the heel of the Session, with the rules of both houses suspended. Tell him about clap-trap; when did he ever support a measure in this house that he did not support out of it? The Trust and Loan Company's Act had existed since 1843; but it allowed the Company to take no more than the legal rate of interest, till a clause was smuggled into it one night last Session at midnight. Mr. M. then quoted the opinion of Mr. Rothschild¹²⁷ and Samuel Gurney, of England¹²⁸ to the effect that the repeal of the Usury Laws would result in ... compelling poor persons to pay two or three times the rate of [interest from which] (in Rothschild's opinion) the less opulent ought to be protected. Much had been said about bad faith; but was it not worse faith to smuggle that measure through last session to the injury of the farmers and for the advantage of foreign usurers for ever? It would become more and more difficult to repeal it the longer it remained on the statute books.¹²⁹

MR. W. BOULTON (Toronto) was perfectly astonished when he heard of this measure having been passed last session.¹³⁰ [He] taunted Mr. Baldwin with having last session contended that the present system of government must be maintained in order that there might be a set of responsible ministers to watch for the safety of the people. It was clear that the hon. member, however, had not watched the bill or he would have voted against it.¹³¹ This bill might, if carried, be a breach of faith¹³². He desired to maintain the credit of the country;¹³³ and it was very important that we should keep faith with these parties in England; but¹³⁴ at the same time ... the welfare of the people was of still higher consequence, and it was certainly absurd to give permission to a foreign company to obtain an interest that no person in the country could receive.¹³⁵ He hoped the attention of the house would be given to the subject to see what amendments could be made in the charter¹³⁶ of the company, so as to make it less injurious to the community, and at the same time free the House from the imputation of breaking faith with the company.¹³⁷ But if the present bill were pressed in its present shape, much against his will, he would vote against it.¹³⁸

MR. DEWITT had always been against the repeal of the usury laws, and would vote against every measure for that purpose.¹³⁹ He had also endeavoured to make it his business to be in his place in the House at all times when the Speaker occupies the chair, and¹⁴⁰ he wished to know how¹⁴¹ it had happened that a majority of this House had voted a repeal of the usury laws, and¹⁴² then a few days after given a foreign company a monopoly of lending money¹⁴³. The House was to have been prorogued on the 8th of August. Was it kept in session one day longer for the passage of this bill? He did not know how the bill was got through the House at all¹⁴⁴ without his knowledge.... It was at all event very strange. He was convinced that he was not present when it passed, and he was always present when there was business to do.¹⁴⁵ How did it happen that this bill, opposed to our principles, had been allowed to become law without any voice being raised against it.¹⁴⁶ The idea that the repeal of this bill would be a breach of faith is absurd. Its appearance on the statute book is a breach of faith with every chartered institution in the country.¹⁴⁷ To confine other institutions to a rate of 6 per cent of interest, and to allow this to receive a greater [amount], was doing an injustice to them.¹⁴⁸ If you can amend this law at all you can amend it today; if you cannot amend it at all, it is an everlasting law. If the public faith [is] pledged so we cannot draw back,¹⁴⁹ he should like to see an amendment made to the act.¹⁵⁰ We should make some compensation; we should do something that way.¹⁵¹

MR. ROSS found the bill was introduced on the 6th of July, ... read a second time on the 19th of the same month¹⁵², [and] passed into committee, on the 27th.¹⁵³ He was surprised in the face of a fact like that, that members should get up and make

the assertion that the bill was passed through at the heel of the Session. Sufficient notice of the bill had been given, and members had sufficient time to examine it. If the motion of the Hon. member for Haldimand was allowed to carry it would be the commencement of repudiation in Canada.¹⁵⁴

MR. J. SMITH (Durham) said it seemed to him that the result of this vote would to a great extent be decisive of the question of the usury laws.¹⁵⁵ [He] admitted that it was impossible to repeal the present law; but he thought that hon. members from Lower Canada, who opposed it, would find themselves in an anomalous position when¹⁵⁶ they were called on to vote on the usury laws, if they voted for the rejection of this bill as he held they ought to do. It would be far less objectionable to allow all banks to take eight per cent, than to give advantage to one monopoly.¹⁵⁷ He did not know how the Attorney General for Upper Canada¹⁵⁸, who opposed the repeal of the usury laws and who by his vote against this bill would support the giving to this company eight per cent interest, explain his conduct to his constituents?¹⁵⁹ He (Mr. S.) should vote against the introduction of this Bill, because he believed it would be breaking of public faith. He did not believe the Act of last session was passed through in a hurry; he had voted for it, because he held to its principles as an instalment towards the repeal of the Usury Laws.¹⁶⁰

MR. G. SHERWOOD (Brockville) said if this discussion had done nothing else it had shown that a great many members of the house had neglected their duties. The member for Beauharnois had said he was not aware of the passing of the measure. This was singular, as he was chairman of the committee when the bill was passed; but perhaps it was not read.¹⁶¹ Mr. DeWitt was well acquainted with the passage of the Act of last session, through all its stages. He spoke against the introduction of Mr. Mackenzie's Bill, and in favour of the repeal of the Usury Laws.¹⁶²

MR. COM. CR. LANDS PRICE had always been opposed to the repeal of the usury laws; but if he had been present when the act was passed, and supported it, he could have justified his conduct before the country.¹⁶³ He was equally responsible with those who had passed it¹⁶⁴. No one would be compelled to borrow of [*sic*] that company¹⁶⁵, the Trust and Loan Company,¹⁶⁶ and no one would do so unless he did it for his own special convenience. It had been said Parliament was omnipotent; that we could repeal a law; so we could, but he hoped that we should never pass a law for swindling persons who had lent us their money.¹⁶⁷

[There were] a few more remarks¹⁶⁸.

(21)

Loan and Trust
Company Act.

Mr. Mackenzie moved, seconded by Mr. Taché, and the Question being put, That leave be given to bring in a Bill to repeal certain parts of the Loan and Trust Company's Act; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs DeWitt, Letellier, Mackenzie, and Taché.--(4.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Chauveau, Christie, Dickson, Solicitor General Drummond, Dumas, Egan, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Macdonald of KINGSTON, Malloch, McFarland, Merritt, Meyers, Morrison, Notman, Price, Prince, Richards, Robinson, Ross, Sanborn, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, and Stevenson.--(47.)

So it passed in the Negative.

Public
Accounts.

The Honorable Mr. Hincks, one of her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, the Public Accounts

for the year 1850.

Appendix (B.)

For the said Accounts, see Appendix (B.)

On motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Attorney General LaFontaine,

Seigniorial
Tenure.

Ordered, That the Entry in the Journal of this House, of the 26th of June, 1850, relating to certain Resolutions on Seigniorial Tenure in Lower Canada, be now

read.

And the same was read, as followeth:--

"1. Resolved, That the Seigniorial Tenure in Lower Canada is a matter of public concern which it is the duty of the Provincial Legislature to take into consideration, more especially now that the subject has attracted the public attention in a high degree; and that it is therefore important to effect, at as early a period as possible, the conversion of the said Tenure into a free one, taking care that all the interests concerned are protected and equitably adjusted.

"2. Resolved, That such Commutation of Tenure can only be effected by securing a fair indemnity to all parties whose just rights it will affect."¹⁶⁹

MR. SOL. GEN. DRUMMOND said, the attention of the Ministry had not been diverted from this important question, and they still intend to pursue the same course as that which they determined upon last session--that is, to take the opinion of the representatives of the people as to the best plan of effecting the desired reform. When that opinion is taken, the Ministry will be prepared to proceed.--¹⁷⁰ He proposed the Committee be the same as that of last session, with the exception of Mr. Viger, who was absent because of sickness. He proposed to substitute Mr. Gagy in his place. He held that all interests should be represented on this Committee, and proposed to substitute one Seigneur [sic] for another.¹⁷¹

MR. AT. GEN. LAFONTAINE made a few remarks which were entirely inaudible, owing to the bad position of the reporters' gallery, as did one or two other members under it.¹⁷²

DR. BOUTHILLIER made a few remarks in French repelling the idea, that either he or his colleagues desired to make any spoilation [sic].¹⁷³

(21)

Resolved, That the said Resolutions be referred to a Select Committee of nine Members, composed of Mr. Solicitor General Drummond, the Honorable Mr. Badgley, the Honorable Mr. LaTerrière, Mr. Davignon, Mr. Bouthillier, Mr. Polette, Mr. Gagy, Mr. Lemieux, and Mr. Armstrong, to report the various plans hitherto suggested for effecting the said Commutation, together with their own opinions, from time to time; with power to send for persons, papers, and records.

Municipalities
Bill (L.C.).

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill, intituled, The Lower Canada Municipalities Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the third of June next.

Road Bill
(L.C.).

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill, intituled, the Lower Canada Road Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the third of June next.

Navigation
of the
Inland
Waters Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the fifth of June next.

Law of Evi-
dence Bill
(U.C.).

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to improve the Law of Evidence in Upper Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Transfer of
Real Property
Bill (U.C.).

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution."

(22)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the third day of June next.

Mortgagees
Relief Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill for the Relief of Mortgagees.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Absent Defen-
dants Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to provide a remedy against absent Defendants.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourth of June next.

Lumber Act
Amendment
Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act for regulating the inspection and measurement of Lumber.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Good Order
Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Act of Lower Canada for the better preservation of Good Order in Churches and places of Public Worship.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Division Line
Bill.

Ordered, That Mr. Solicitor General Drummond have leave to
bring in a Bill to define and establish the Division
Line between Upper and Lower Canada.

He accordingly presented the said Bill to the House, and the same was received
and read for the first time; and ordered to be read a second time, on Tuesday, the
third of June next.

Bill relating to
Lands and
Tenements.

The Order of the day for the second reading of the
Bill to facilitate the leasing of Lands and Tenements, being
read;¹⁷⁴

MR. J. CAMERON moved that it be read a second time. The hon. member made a few
explanations of his bill.¹⁷⁵ Its object is to simplify and reduce the expenses of
the formalities which are now incurred.¹⁷⁶

MR. LAURIN asked if it had reference to Lower Canada?¹⁷⁷

MR. J. CAMERON said it had not¹⁷⁸. It applied to Upper Canada only.¹⁷⁹

MR. AT. GEN. BALDWIN concurred in the measure, which merely carries out the
principle that has been already applied to the conveyance of real property.¹⁸⁰

(22)

The Bill was accordingly read a second time; and committed to a Committee of
the whole House, for Wednesday next.

Standing Com-
mittees.

The Order of the day for taking into consideration
the Report of the Select Committee appointed to prepare
and report Lists of Members to compose the seven Select
Standing Committees ordered by this House, being read;
And the said Report being again read;

Resolved, That this House doth concur with the Committee in the said Report.

Then, on motion of Mr. DeWitt, seconded by Mr. Richards,
The House adjourned.

[NOTICE OF MOTION RE: ADDRESS CONCERNING OCEAN STEAMERS.]¹⁸¹

MR. MERRITT gave notice that, on Tuesday week, he will move sundry resolutions for an address to her Majesty, to extend the same support to a line of steamers from Liverpool to Quebec, as is now extended to the steamers running between Liverpool and New York.¹⁸²

[NOTICE OF MOTION RE: TERRITORIAL DIVISIONS BILL.]¹⁸³

MR. INSP. GEN. HINCKS gave notice of a motion to introduce a bill on the subject of¹⁸⁴ changing¹⁸⁵ the Territorial Divisions of the Province.¹⁸⁶

[NOTICE OF MOTION RE: PETITION OF J. G. BOWES.]¹⁸⁷

MR. J. SMITH (Durham) gave notice of a motion to refer to the Committee on Standing Orders, a petition of J. G. Bowes, Mayor of Toronto, and others, for an act to incorporate the Kingston and Toronto Junction Railroad Company.¹⁸⁸

[POSTPONED MOTION RE: POST OFFICE DEPARTMENT.]¹⁸⁹

MR. MACKENZIE moved for a number of returns, relative to the Post Office Department. He made some remarks, with a view of showing that Mr. Stayner had studiously refused to give any information relative to the postal department; and also to show that in 1824 it cost half a crown to send a newspaper to Britain, and 7s 6d for a letter.¹⁹⁰ He then referred to the efforts made by himself many years ago to effect a reform in the postal system. The gentleman who presided over the post office was doubtless a very hon. gentleman; but it was important that we should be in possession of all knowledge in relation to the revenue of the country; and there was no book that any one could place his hand upon where this information could be had, as regarded the Post Office. It was the right of the country to get this information. The Post Master General at a public dinner at Brockville had stated that the revenue of the Post Office is nearly \$400,000 a year; and he (Mr. Mackenzie) wanted to know how it was expended.¹⁹¹ The Post Office in Toronto was not managed so well as it should be, nor afforded so many facilities to mechanics as did the Post Office in Buffalo. The hon. member dilated at some length upon these topics. He compared the American system with ours as regarded the furnishing of reports of Departments, and contended the former was the better.¹⁹²

MR. ARMSTRONG asked if the hon. member considered the expense of such motions.¹⁹³

MR. MACKENZIE had always been regarded as an advocate of economy, and did not think that information of the kind he asked, would cost the country much.¹⁹⁴

MR. INSP. GEN. HINCKS had not even opposed the address, but he doubted if the information would be of much practical value. He hoped the hon. member would consent to postpone the motion for a short time, as the government never assented to motions of this kind unless they were prepared to furnish all the information, and they did not yet know how much of it they could supply.¹⁹⁵

MR. MACKENZIE then consented to leave the motion over to this day fortnight.¹⁹⁶

[POSTPONED MOTION RE: BILL TO FIX TIME AND PLACE OF PARLIAMENT.]¹⁹⁷

MR. H. BOULTON postponed till Monday his motion for a bill to fix the time and place for the meeting of Parliament.¹⁹⁸

[POSTPONED MOTION RE: ADDRESS CONCERNING NAVIGATION ACTS.]¹⁹⁹

MR. MERRITT postponed till Wednesday his motion for an Address to the Queen on the subject of the principle of reciprocity embodied in the late Navigation Act.²⁰⁰

[QUESTION AND ANSWER RE: SAULT STE. MARIE CANAL.]²⁰¹

MR. H. BOULTON inquired of the Ministry whether it be the intention of the Government to take any steps towards the construction of a Canal at the Sault Ste. des Marie [sic].²⁰²

MR. INSP. GEN. HINCKS answered in the negative.²⁰³

[QUESTION AND ANSWER RE: TORONTO UNIVERSITY REPORT.]²⁰⁴

MR. MACKENZIE [asked a question.]²⁰⁵

MR. AT. GEN. BALDWIN stated the Government has no control over the Commission appointed two years ago, to investigate the affairs of the University of Toronto, and cannot say when their report, in whole or in part, will be presented to the House.²⁰⁶

FOOTNOTES: 26 MAY 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 27 May 1851, and PILOT, 31 May 1851. The following papers reported the debate in partially identical accounts: NORTH AMERICAN, 30 May 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by: EXAMINER, 28 May 1851; MONTREAL GAZETTE, 30 May 1851; and LA MINERVE, 2 June 1851. Commentaries appeared in MONTREAL GAZETTE, 30 May 1851.
2. BRITISH COLONIST, 27 May 1851.
3. NORTH AMERICAN, 30 May 1851.
4. BRITISH COLONIST, 27 May 1851.
5. NORTH AMERICAN, 30 May 1851.
6. BRITISH COLONIST, 27 May 1851.
7. NORTH AMERICAN, 30 May 1851.
8. BRITISH COLONIST, 27 May 1851.
9. NORTH AMERICAN, 30 May 1851.
10. BRITISH COLONIST, 27 May 1851.
11. EXAMINER, 28 May 1851.
12. NORTH AMERICAN, 30 May 1851.
13. EXAMINER, 28 May 1851.
14. NORTH AMERICAN, 30 May 1851.
15. EXAMINER, 28 May 1851.
16. NORTH AMERICAN, 30 May 1851.
17. BRITISH COLONIST, 27 May 1851.
18. NORTH AMERICAN, 30 May 1851.
19. EXAMINER, 28 May 1851.
20. NORTH AMERICAN, 30 May 1851.
21. EXAMINER, 28 May 1851.
22. BRITISH COLONIST, 27 May 1851.
23. EXAMINER, 28 May 1851.
24. BRITISH COLONIST, 27 May 1851.
25. EXAMINER, 28 May 1851.
26. BRITISH COLONIST, 27 May 1851.
27. EXAMINER, 28 May 1851.
28. BRITISH COLONIST, 27 May 1851.
29. EXAMINER, 28 May 1851.
30. BRITISH COLONIST, 27 May 1851.
31. EXAMINER, 28 May 1851.
32. NORTH AMERICAN, 30 May 1851.
33. BRITISH COLONIST, 27 May 1851.
34. EXAMINER, 28 May 1851.
35. BRITISH COLONIST, 27 May 1851.
36. EXAMINER, 28 May 1851.
37. BRITISH COLONIST, 27 May 1851.
38. EXAMINER, 28 May 1851.
39. NORTH AMERICAN, 30 May 1851.
40. BRITISH COLONIST, 27 May 1851.
41. EXAMINER, 28 May 1851.
42. IBID.
43. IBID.
44. BRITISH COLONIST, 27 May 1851.
45. NORTH AMERICAN, 30 May 1851.
46. BRITISH COLONIST, 27 May 1851.
47. NORTH AMERICAN, 30 May 1851.

48. BRITISH COLONIST, 27 May 1851.
49. NORTH AMERICAN, 30 May 1851.
50. BRITISH COLONIST, 27 May 1851.
51. NORTH AMERICAN, 30 May 1851.
52. BRITISH COLONIST, 27 May 1851.
53. NORTH AMERICAN, 30 May 1851.
54. BRITISH COLONIST, 27 May 1851.
55. This speech is attributed to J. A. Macdonald by BRITISH COLONIST, 27 May 1851, to J. S. Macdonald by NORTH AMERICAN, 30 May 1851, and to George Sherwood by EXAMINER, 28 May 1851. It appears certain, however, that it was in fact given by either J. A. Macdonald or by J. S. Macdonald.
56. BRITISH COLONIST, 27 May 1851.
57. NORTH AMERICAN, 30 May 1851.
58. BRITISH COLONIST, 27 May 1851.
59. EXAMINER, 28 May 1851.
60. NORTH AMERICAN, 30 May 1851.
61. BRITISH COLONIST, 27 May 1851.
62. EXAMINER, 28 May 1851.
63. NORTH AMERICAN, 30 May 1851.
64. BRITISH COLONIST, 27 May 1851.
65. EXAMINER, 28 May 1851.
66. NORTH AMERICAN, 30 May 1851.
67. EXAMINER, 28 May 1851.
68. NORTH AMERICAN, 30 May 1851.
69. EXAMINER, 28 May 1851.
70. NORTH AMERICAN, 30 May 1851.
71. BRITISH COLONIST, 27 May 1851.
72. EXAMINER, 28 May 1851.
73. NORTH AMERICAN, 30 May 1851.
74. EXAMINER, 28 May 1851.
75. BRITISH COLONIST, 27 May 1851.
76. NORTH AMERICAN, 30 May 1851.
77. BRITISH COLONIST, 27 May 1851.
78. NORTH AMERICAN, 30 May 1851.
79. EXAMINER, 28 May 1851.
80. NORTH AMERICAN, 30 May 1851.
81. EXAMINER, 28 May 1851.
82. BRITISH COLONIST, 27 May 1851.
83. EXAMINER, 28 May 1851.
84. BRITISH COLONIST, 27 May 1851.
85. NORTH AMERICAN, 30 May 1851.
86. BRITISH COLONIST, 27 May 1851.
87. NORTH AMERICAN, 30 May 1851.
88. EXAMINER, 28 May 1851.
89. NORTH AMERICAN, 30 May 1851.
90. IBID.
91. EXAMINER, 28 May 1851.
92. NORTH AMERICAN, 30 May 1851.
93. BRITISH COLONIST, 27 May 1851.
94. NORTH AMERICAN, 30 May 1851.
95. EXAMINER, 28 May 1851.
96. BRITISH COLONIST, 27 May 1851.
97. NORTH AMERICAN, 30 May 1851.
98. BRITISH COLONIST, 27 May 1851.

99. NORTH AMERICAN, 30 May 1851.
100. EXAMINER, 28 May 1851.
101. NORTH AMERICAN, 30 May 1851.
102. EXAMINER, 28 May 1851.
103. IBID.
104. NORTH AMERICAN, 30 May 1851.
105. BRITISH COLONIST, 27 May 1851.
106. NORTH AMERICAN, 30 May 1851.
107. EXAMINER, 28 May 1851.
108. NORTH AMERICAN, 30 May 1851.
109. EXAMINER, 28 May 1851.
110. NORTH AMERICAN, 30 May 1851.
111. BRITISH COLONIST, 27 May 1851.
112. NORTH AMERICAN, 30 May 1851.
113. IBID.
114. EXAMINER, 28 May 1851.
115. BRITISH COLONIST, 27 May 1851.
116. EXAMINER, 28 May 1851.
117. BRITISH COLONIST, 27 May 1851.
118. EXAMINER, 28 May 1851.
119. NORTH AMERICAN, 30 May 1851.
120. IBID.
121. EXAMINER, 28 May 1851.
122. NORTH AMERICAN, 30 May 1851.
123. EXAMINER, 28 May 1851.
124. NORTH AMERICAN, 30 May 1851.
125. BRITISH COLONIST, 27 May 1851.
126. NORTH AMERICAN, 30 May 1851.
127. EXAMINER, 28 May 1851.
128. NORTH AMERICAN, 30 May 1851.
129. EXAMINER, 28 May 1851.
130. IBID.
131. BRITISH COLONIST, 27 May 1851.
132. EXAMINER, 28 May 1851.
133. BRITISH COLONIST, 27 May 1851.
134. EXAMINER, 28 May 1851.
135. BRITISH COLONIST, 27 May 1851.
136. EXAMINER, 28 May 1851.
137. NORTH AMERICAN, 30 May 1851.
138. BRITISH COLONIST, 27 May 1851.
139. IBID.
140. NORTH AMERICAN, 30 May 1851.
141. EXAMINER, 28 May 1851.
142. BRITISH COLONIST, 27 May 1851.
143. EXAMINER, 28 May 1851.
144. BRITISH COLONIST, 27 May 1851.
145. NORTH AMERICAN, 30 May 1851.
146. EXAMINER, 28 May 1851.
147. NORTH AMERICAN, 30 May 1851.
148. BRITISH COLONIST, 27 May 1851.
149. EXAMINER, 28 May 1851.
150. BRITISH COLONIST, 27 May 1851.
151. EXAMINER, 28 May 1851.
152. BRITISH COLONIST, 27 May 1851.
153. NORTH AMERICAN, 30 May 1851.

154. BRITISH COLONIST, 27 May 1851.
155. EXAMINER, 28 May 1851.
156. BRITISH COLONIST, 27 May 1851.
157. EXAMINER, 28 May 1851.
158. BRITISH COLONIST, 27 May 1851.
159. EXAMINER, 28 May 1851.
160. BRITISH COLONIST, 27 May 1851.
161. EXAMINER, 28 May 1851.
162. BRITISH COLONIST, 27 May 1851.
163. EXAMINER, 28 May 1851.
164. NORTH AMERICAN, 30 May 1851.
165. EXAMINER, 28 May 1851.
166. BRITISH COLONIST, 27 May 1851.
167. EXAMINER, 28 May 1851.
168. BRITISH COLONIST, 27 May 1851.
169. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 27 May 1851, PILOT, 31 May 1851; NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851. The debate was also reported by: EXAMINER, 28 May 1851; and L'AVENIR, 4 June 1851. A commentary appeared in MONTREAL GAZETTE, 30 May 1851.
170. NORTH AMERICAN, 30 May 1851.
171. BRITISH COLONIST, 27 May 1851.
172. IBID.
173. IBID.
174. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 27 May 1851, PILOT, 31 May 1851; NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851. The debate was also reported by MONTREAL GAZETTE, 30 May 1851.
175. MONTREAL GAZETTE, 30 May 1851.
176. NORTH AMERICAN, 30 May 1851.
177. MONTREAL GAZETTE, 30 May 1851.
178. IBID.
179. NORTH AMERICAN, 30 May 1851.
180. IBID.
181. The following papers reported this notice of motion in identical accounts: BRITISH COLONIST, 27 May 1851, PILOT, 31 May 1851; NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851. The notice was also reported by: L'AVENIR, 28 May 1851; and LA MINERVE, 2 June 1851.
182. NORTH AMERICAN, 30 May 1851.
183. The following papers reported this notice of motion in identical accounts: BRITISH COLONIST, 27 May 1851, PILOT, 31 May 1851; NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851. The notice was also reported by LA MINERVE, 2 June 1851.
184. NORTH AMERICAN, 30 May 1851.
185. BRITISH COLONIST, 27 May 1851.
186. NORTH AMERICAN, 30 May 1851.
187. The following papers reported this notice of motion in identical accounts: NORTH AMERICAN, 30 May 1851, and BATHURST COURIER, 6 June 1851.
188. NORTH AMERICAN, 30 May 1851.
189. The following papers reported the debate on this postponed motion in identical accounts: BRITISH COLONIST, 27 May 1851, and PILOT, 31 May 1851. The debate was also reported by EXAMINER, 28 May 1851.
190. BRITISH COLONIST, 27 May 1851.

191. EXAMINER, 28 May 1851.
192. BRITISH COLONIST, 27 May 1851.
193. IBID.
194. IBID.
195. EXAMINER, 28 May 1851.
196. IBID.
197. The following papers reported this postponed motion in identical accounts:
NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN,
7 June 1851.
198. NORTH AMERICAN, 30 May 1851.
199. The following papers reported this postponed motion in identical accounts:
NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN,
7 June 1851.
200. NORTH AMERICAN, 30 May 1851.
201. The following papers reported this question in identical accounts: BRITISH
COLONIST, 27 May 1851, PILOT, 31 May 1851; NORTH AMERICAN, 30 May 1851,
BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851.
202. NORTH AMERICAN, 30 May 1851.
203. IBID.
204. The following papers reported this question in identical accounts: BRITISH
COLONIST, 27 May 1851, and PILOT, 31 May 1851. The question was also reported
by MONTREAL GAZETTE, 30 May 1851, in two accounts one of which contained a
commentary on the matter.
205. MONTREAL GAZETTE, 30 May 1851.
206. IBID.

TUESDAY, 27 MAY 1851.¹

(22)

Montreal Trin-
ity House.

MR. Speaker laid before the House, the Accounts of the Trinity House of Montreal, for the year ending 31st December, 1850.

Appendix (E.)

For the said Accounts, see Appendix (E.)

Montreal
Turnpike
Roads.

And also, Accounts of the Trustees of the Montreal Turnpike Roads, from 1st January to 31st December, 1850.

Appendix (G.)

For the said Accounts, see Appendix (G.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Joseph Deschamps and others, Censitaires, of the Parish of St. Timothée, County of Beauharnois; the Petition of Joseph A. Asselin, junior, and others, Censitaires, of the Parish of St. Zotique, County of Vaudreuil; and the Petition of R.B. Somerville and others, of the Village of Huntingdon, and of certain Townships and Parishes in the County of Beauharnois.

By Mr. Fortier,--The Petition of P.A.C. Munro, Esquire, M.D., and others, Physicians and Surgeons of the City of Montreal.

By Mr. Egan,--The Petition of Michael McInerney, Mayor, and John Stars, Secretary-Treasurer, on behalf of the Municipality of St. Jean, Division Number Two.

By Mr. Fournier,--The Petition of the Reverend S.L. Beaubien and others, of St. Thomas, County of L'Islet.

By Mr. Sanborn,--The Petition of the Council of Bishop's College at Lennoxville, Diocese of Quebec.

By Mr. Lacoste,--The Petition of B. Holmes, Esquire, and others, Censitaires, of the Parish of St. Luc, County of Chambly.

By Mr. Guillet,--The Petition of Alexis Marchand and others, of the Parish of St. François-Xavier de Batiscan, County of Champlain.

By Mr. Letellier,--The Petition of the Honorable A. Dionne, President, and others, Shareholders of the Society for the Colonization of L'Islet and Kamouraska, and others.

By Mr. Cartier,--The Petition of Messieurs Frothingham and Workman, and others, Merchants and Citizens of Montreal; and the Petition of John Young, Esquire, and others.

By Mr. McConnell,--The Petition of Ralph Merry, Esquire, and others, of the District of St. Francis.

By Mr. Chauveau,--The Petition of the Municipal Council of the County of Quebec.

By the Honorable Mr. Merritt,--The Petition of Jacob Ker and others, of the Township of Caistor; and two Petitions of the Municipal Council of the United Counties of Lincoln and Welland.

By Sir Allan N. MacNab,--The Petition of Angus Kennedy, Captain in the Second Glengary Regiment of Militia, on behalf of himself and part of the Company under his command during the late war with the United States.

By the Honorable Mr. Hincks,--The Petition of the Municipal Council of the County of Kent.

By the Honorable Mr. Sherwood,--The Petition of the British American Fire and Life Assurance Company.

Conciliation
Courts Bill
(U.C.).

Ordered, That Mr. Mackenzie have leave to bring in a Bill to establish Courts of Conciliation in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourth of June next.

Penitentiary
Management
Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill for the better management of the Provincial Penitentiary.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to
Gaols and
Houses of Cor-
rection.

(23)
Ordered, That the Honorable Mr. Price have leave to bring in a Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of Correction for Juvenile offenders.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Officers of Jus-
tice Salaries
Amendment
Bill (L.C.).

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to amend the Act substituting Salaries for Fees in certain cases in Lower Can-
ada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to
Depredations
&c. by Rafts-
men.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to afford a better remedy to persons suffering from depredations and trespasses committed by Raftsmen.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the eleventh of June next.

Montreal Trin-
ity House Act
Amendment
Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to amend the Montreal
Trinity House Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Territorial Di-
visions Bill
(U.C.).

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to make certain alterations in the Territorial Divisions of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the thirteenth of June next.

Message from
His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed

by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Despatches.

ELGIN and KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, Copies of the Correspondence with Her Majesty's Secretary of State enumerated in the annexed Schedule.

Government House,
Toronto, 26th May, 1851.

Schedule of Despatches accompanying His Excellency the Governor General's Message to the Legislative Assembly, of date 26th May, 1851:

1. Earl Grey to the Earl of Elgin, No. 513, 26th July 1850.--In reply to Loyal Address of the Legislative Assembly to The Queen, of last Session.
2. The Earl of Elgin to Earl Grey, No. 244, 31st December 1850.--Transmitting a Minute of the Executive Council on the Revenue and Expenditure, and recommending certain alterations in the Civil List.
3. Earl Grey to the Earl of Elgin, No. 568, 14th March 1851.--In reply to the above.
4. Earl Grey to the Earl of Elgin, No. 551, 27th January 1851.--In reply to the Address of the Legislative Assembly to The Queen, on the subject of the Clergy Reserves.

(Copy,)--No. 513.

Answer to
Loyal Address
to the Queen.

Colonial Office,
Downing Street, 26th July, 1850.

My Lord,--I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 5th instant, No. 194, enclosing an Address to The Queen from the House of Assembly of Canada, expressive of their sense of the advantages derived by the Province from its connection with this Kingdom, of their determination to maintain that connection unimpaired, and of their decided disapproval of all attempts to disturb the existing Constitution of the Country.

I have laid the Address before The Queen, and I am commanded by Her Majesty to acquaint you that She has received with great satisfaction this proof of the Loyalty of Her Canadian Subjects, and of their attachment to the Constitution under which they are now governed.

I have, &c.
(Signed,) GREY.

The Right Honble.

The Earl of Elgin and Kincardine,
&c., &c., &c.

(Copy,)--No. 244.

Revenue and
Expenditure,
and alterations
in the Civil
List.

Government House,
Toronto, 31st December 1850.

My Lord,--The Executive Council of this Province having had under consideration the Reports made to the Legislative Assembly during its last Session by a Committee appointed to enquire into the state of the Provincial Income and Expenditure, has submitted a Minute, of which I herewith enclose a copy, and requested me to forward it to Your Lordship, with the view of obtaining the sanction of Her Majesty's Government to a reduction in the charge for Pensions, and in certain Salaries fixed under the Civil List Act, which it is the desire of the Council to recommend for the adoption of the local Parliament. The Committee to which reference is here made was nominated at the instance of the

Government, and composed of Members selected from the several political parties represented in the House. I transmit in a separate Despatch a printed volume containing a copy of the Reports presented to the House by this Committee, and of the Evidence which accompanied them. The greater part of this Evidence, which is bulky, consists of written statements in which schemes for effecting an entire change in the financial and administrative system of the Province are discussed. The Committee have, however, offered no opinion on this branch of the subject.

2. As respects the recommendations contained in the Minute which I enclose, I cannot but express regret that the Council should have deemed it their duty to make them. I do not indeed think that much practical inconvenience, in so far as the Government is concerned, would arise from restricting within the narrowest bounds, or even perhaps from entirely withdrawing the very limited power which the Crown possesses under the Civil List Act, of conferring Pensions other than those to Judges. So great is the jealousy with which the exercise of this power by the Crown is viewed--a jealousy which tends to check not the abuse of the power merely, but also its proper use--that I think less injustice would be sustained by those who render services to the public entitling them to such consideration if it were understood that the Crown had not the means of rewarding them in this manner, than is done by permitting them to form expectations which may be doomed to disappointment, even when most legitimate. Little evil would, there-

(24)

fore, in my opinion, result from a change of this nature, unless it should lead to a revival of the practice of personal canvass and solicitation, which obtains so extensively, and with such demoralizing effects, wherever favors of this description are contingent on the votes of popular Assemblies, instead of being awarded on the responsibility of Ministers liable to be called to account for their acts.

3. The proposal to reduce the salaries of Judges and Heads of Departments is, in my opinion, more objectionable. Whether the cost of living in towns, or the incomes realized by professional men in large practice, or the stipends assigned to persons filling situations of confidence and trust by private individuals and corporations, such as Banks and Land Companies, be considered, I fail to discover any sufficient ground for the belief that the salaries of £1,000 currency, or £800 sterling, now enjoyed by those high functionaries, are excessive, if indeed it be assumed, as is the case in corresponding situations in England, that the services that they are required to render to the public, claim their whole time and attention. I think, therefore, that it is much to be regretted that it should be supposed that a necessity exists for recommending a measure of this description. The more so that a solemn compact with the Crown, deliberately entered into by the Provincial Parliament for the lifetime of the reigning Sovereign, imparts to the scale of salaries now subsisting a character of permanency which can hardly be expected to attach to any fresh adjustment.

4. It was indeed affirmed in some of the statements laid before the Committee of the Legislative Assembly that lower salaries are awarded under the local Governments of the States forming the American Union, and the allegation is undoubtedly to a certain extent true. The nominal salaries attached to offices even of the highest grade in many cases under these Governments are so inconsiderable as to place them beyond the reach of persons who have not independent means of subsistence, whether derived from realized estate, professional pursuits, or the profits of trade. A smaller income, for example, attaches to the office of Governor in some of the more wealthy and densely peopled States, than is usually assigned to the same office in Territories.

5. The evidence on this head submitted to the Committee was, however, scanty, and, as the witnesses were not subjected to the ordeal of cross-examination, of little value as a guide in the determination of the questions which it raised. No

information was, for instance, given as to the extent to which the practice of payment of fees, which has been in a great measure abandoned in Canada since the Union, obtains in the States to which reference was made. No enquiries were instituted with the view of ascertaining how far the prospect of future and more lucrative employment under the Federal Government, or even the hope of obtaining the advantages attaching to the situation of Member of Congress, may induce persons of talent and character to assume temporarily in the several States, the discharge of official functions which are inadequately remunerated. Nor was any light thrown on the yet more important question as to whether experience has proved that very low salaries contribute to official purity, or the interests of public economy.

6. It is in truth no very easy matter to compare the cost of Government in communities which are governed on widely different systems; and a comparison of this nature, if it is to lead to any good or useful result ought manifestly to be conducted in a very candid and philosophical spirit. To assume that the State Governments perform for the people of the States the same service as the Colonial Government renders the people of Canada, without enquiring whether or not this be indeed the case, is obviously a very hasty and unsatisfactory mode of disposing of the question, and even a cursory examination of the facts suffices to demonstrate its fallacy. It is easy to perceive, on the one hand, that our system of Colonial Government as it is worked out here, gives to the Colonists a more complete control over their own affairs, and imposes, therefore, on their Government duties of administration greatly more extensive and complicated, than is conferred by the Constitution of the United States on any member of the Confederacy in its individual capacity. In proof of this it may be enough to cite the multifarious functions connected with the impositions and collection of Duties from Customs, the regulation of internal Posts, and the management and sale of vast extents of unoccupied territory, which devolve on the Colonial Government, but from the performance of which the local Governments of the Union are relieved by the Federal authority. To this enumeration may be added certain Departments of Criminal Administration which do not fall within the cycle of the attributions of the State officials. A very remarkable instance to the working of their system this branch was afforded lately when the authorities of the State of New York refused to be parties to carrying out the provisions of the Treaty of Extradition which had passed between Great Britain and the United States, alleging that it devolved on the Officers of the Federal Government alone to give effect to it.

7. On the other hand the great extent to which the principle of decentralization is carried under the system of the United States, withdraws from the State Governments all control over many branches of local administration, for the right conduct of which the Colonial Government is with us held to be more or less directly responsible. Add to these remarkable discrepancies the facts that the entire separation of Legislative and Executive functions in the Constitution of the general and local Governments of the United States, relieves the officers of the Executive, in a great measure, from all responsibility connected with the work of legislation,-- that they are not required, as Members of a popular Assembly, to inaugurate and carry out schemes of general policy, or to vindicate their conduct when attacked,-- that the tenure of office is with them for fixed periods, not determinable by the votes of Parliamentary majorities; and I think Your Lordship will perceive, that in order to enable a candid enquirer to arrive at a just estimate of the relative cost of government in the Colony and the adjoining States, something more is requisite than a statement of the comparative expense of departments which have little in common but the name.

8. A similar character of hasty generalization attaches to other statements laid before the Committee, in which an attempt is made to shew that the burden of taxation borne by the people of Canada who have only one Government to support,

is not as much lighter than that which falls on the Citizens of the United States who maintain two, as might reasonably be expected. For the purpose of this comparison the State of New York is selected, where the expense of the State Government and the interest of the Public Debt have been for some years past almost entirely covered by the Revenue from Public Works,--a fortunate peculiarity which distinguishes the State from other States of the Union as widely as from Canada, and which is due to the possession of a monopoly of the Western Trade which is likely to be seriously affected by the competition now springing up on the St. Lawrence and on Railways connecting that River at lower points than Buffalo, with Atlantic ports. With the view of establishing that there is not so great a discrepancy in the amount of taxation imposed for municipal purposes in the two countries as is generally believed to be the case, reliance is placed on returns which profess to give the expenditure on this head of two adjoining frontier townships,--while the

(25)

very important and notorious facts that in one section of United Canada the charge in question is almost unknown, and that in the other, where it is highest, it does not approach the average of payments made on this account in the State of New York, are slurred over as if they were less material to the determination of the issue raised. The amount of indirect taxation borne by the people of either country respectively is then computed by dividing the Revenue derived from Customs in each by the sum of its population. No account is, however, taken of the circumstance that as the Tariff of the United States is framed with a view to protection, the receipts of the Treasury represent very inadequately the pecuniary burden it lays on the consumer. The article of Iron, for example, costs the consumer in the United States from 6 to 10 dollars a ton more than the consumer in Canada; but this difference in price swells the revenue only in the case of Iron imported from abroad. I am aware that there are persons in Canada who hold that the benefits arising from this description of impost more than compensate for the burden. The amount, however, of the charge imposed under this head on the members of the two communities, respectively, and not its character, is the object of comparison in the statements to which I am now referring; though I cannot but observe that it is strange to find that in countries where the dearness of capital is the subject of continual complaint, and where it is alleged that many promising enterprizes are starved for the want of it, it should be considered an act of wisdom in Government to place heavy burdens on consumers for the purpose of artificially turning it from those channels which it seeks when left to itself, into others which are not naturally productive.

9. I have thought it proper to offer these remarks on certain portions of the evidence laid before the Committee of the Legislative Assembly on which that body abstained from pronouncing an opinion, as they rest on allegations of fact of which it is not easy at a distance from the spot to test the accuracy. With reference, however, to the comments which I have already made on the enclosed Minute of Council, I beg to add, that notwithstanding the objections which I entertain to some of the propositions contained in it, I have not considered it my duty to decline to pass it. No interference with the rights of individuals is contemplated by it. The vested interests of Judges and Pensioners are respected. The only persons now holding office who will be affected by it are the Ministers who recommend it. A very serious question of principle is no doubt involved in the proposal to depart in any degree from the terms of the arrangement entered into with the Crown by the Provincial Parliament in 1846. Of this, however, the Council evince their sense by the mode in which they submit for the consideration of Her Majesty's Imperial Government, a measure affecting the Civil List which the proceedings adopted last session in Parliament and the temper of the country have in their judgment rendered neccessary.

10. It is not my province to anticipate the view which Your Lordship may take of the recommendations thus brought under your notice. I am confident that Her Majesty's Government will entertain with reluctance any scheme for disturbing the settlement effected under the present Civil List Act, which may seem to them calculated to diminish the guarantees that now exist for the efficiency and integrity of persons called to fill offices of high trust and responsibility in Canada. At the same time I cannot conceal from Your Lordship my apprehension that evil may arise if it should be made to appear that a higher scale of salaries than public opinion approves as is maintained in the Province by the authority of the Crown,-- or if persons who have factious or disloyal objects in view are enabled, by raising the issue of a simulated conflict of Imperial and Colonial jurisdiction, to withdraw attention from these plain and patent facts, that the British Government can have no selfish interests in keeping up the emoluments of offices to which it has ceased to nominate; and that security against aggression from without, and the advantage of representation in foreign countries, are enjoyed by the inhabitants of Canada under the protection of England in connection with low taxation and self-government, to an extent which it would be difficult to parallel in the history of any other people.

11. It may be proper before closing this Despatch that I should say a few words on that portion of the Minute of Council in which reference is made to the Governor General's salary, and to the discussions which took place on this subject in the Parliamentary Committee. I concur with the Council in thinking that the fixity of this salary is of more importance than its amount. The practice of the United States is confirmatory of this opinion, for the salary attached to the office of President in the year 1789, when the population of the Union was comparatively small, has never since been altered; and it is an article of the Constitution that it shall suffer neither increase nor diminution during the incumbency of any individual President.

12. The office of Governor General is held for a limited period, determinable at any moment at the pleasure of the Crown. It confers no claim to pension, or, except accidentally, to further employment. It imposes, moreover, on the recipient a heavy charge for fees and outfit, before any title to salary accrues. It is, therefore, an office which can be prudently assumed only by a person who has the resource of private fortune or military half-pay to fall back upon.

13. The income attaching to it is fixed rather with the view of enabling the holder of the office to perform certain duties which entail expense, than as a reward for service. Any amount of difference of opinion may obviously exist as to the extent to which provision for this description of duty ought to be made. I apprehend, therefore, that if it is to be an open question, the discussions upon it are likely to be interminable. I shall only observe on this head, that the changes which have recently taken place in the system of Government in this Colony tend, in my opinion, rather to encrease than to diminish the call for it. If the Governor General adheres faithfully to the principles of Constitutional Government in the direction of public affairs, it becomes all the more necessary that his residence should be open to leading persons of different parties, and that he should be able, by visiting distant parts of the Province, and taking a lead in works of public utility and benevolence which are not of a party character, to manifest personal sympathy with all sections of the community.

14. Having said thus much on a topic on which I might have hoped to have been spared the necessity of offering an opinion, I beg to add as respects myself that the amount of salary was not the inducement which led me to undertake the duties of the office which I have the honor to fill, inasmuch as I renounced, on assuming it, an income which considerably exceeded it; and that my readiness to place my humble services at the disposal of Her Majesty whenever they may be commanded, will not be

affected by any decision to which Her Majesty's Ministers may arrive on this question.

I have, &c.,
(Signed,) ELGIN and KINCARDINE.

The Right Honorable The Earl Grey,
&c. &c. &c.

(Copy.)

(26)

Extract from a Report of a Committee of the Honorable the Executive Council on Matters of State, dated the 20th December, 1850, approved by His Excellency the Governor General in Council on the same day.

"The Committee of the Executive Council have had under consideration, on Your Excellency's reference, the Reports made to the Legislative Assembly during its last Session by a Committee appointed to enquire into the state of the Public Income and Expenditure of the Province. Your Excellency having, in your Speech from the Throne at the commencement of the last Session recommended such an enquiry, the appointment of a Select Committee appeared to Your Excellency's advisers to be the most efficient means of bringing about every retrenchment compatible with maintaining the efficiency of the public service, and at the same time of dispelling the illusory expectations which seemed to have been formed by a portion of the public. The Committee of Council regret that the delay which has taken place in printing the Report of the Select Committee has prevented them from sooner taking it into consideration, and giving it that attention which the great importance of the subject demands. On examining the proceedings of the Select Committee it appears that it was first resolved on motion of the Inspector General, that the Committee should commence its enquiries by investigating the various sources of the public revenue, and all charges defrayed out of the said revenue before it reaches the Receiver General, and that it should then proceed to consider the expenditure under the various heads. Although the Select Committee appear to have deviated from the mode of proceeding originally determined on, the Committee of Council propose to adhere to it in considering the Report, from a conviction that it is the mode best calculated to give general satisfaction. The most important branch of the public revenue is the Customs, and in connection therewith may be considered that derived from Tolls on Canals and other works which are under the same general management, and in many instances collected by the same officers. Suggestions have been made as to the expediency of changing both the system of management of these revenues, and the mode of remunerating the officers employed in collecting them.

On examining the proceedings of the Select Committee, the Committee of Council find not only that these suggestions were not entertained, but that the present scale of salaries met the unanimous approbation of the Committee. The Committee of Council would here remark that considerable reductions have been made in the salaries of various officers employed in the Customs department, on the recommendation of Your Excellency's present advisers; and it is satisfactory to them to find that these reductions have been approved of, and that the present salaries are considered reasonable.

The next branch of revenue to be considered is that included under the head of "Territorial," which includes that derived from the timber cut on the Crown domain. The Finance Committee having pronounced no opinion as to the present system, the Committee of Council have carefully considered whether any changes can be introduced by which greater economy in the collection of the revenue can be effected, and at the same time the interests of those engaged in the timber trade can be promoted. The Committee of Council find that in the sister Province of New Brunswick the stumpage duty on timber has been converted into an export duty payable on all timber,

whether cut on public or private property. Were such a change adopted in Canada, the revenue could be conveniently collected without any expense, and the mode of collection would give great satisfaction to those engaged in the lumber trade. The only objection that presents itself to this mode of collecting the stumpage duty is that the owners of timber land would be subject to a charge from which they are now exempt. It seems to be the opinion of those most conversant with the trade, that at present large quantities of timber cut on the Crown domain are passed as cut on private property; and it has been suggested that as the enforcement of regulations sufficiently stringent to prevent fraud would operate more disadvantageously to the trade than a small duty, it would be the least objectionable policy to impose a uniform export duty, rather less than the present stumpage duty. The Committee of Council are of opinion that this subject should undergo further consideration during the next session of the Legislature, but they recommend that all future grants of land should contain a reservation of the duty which may be imposed on timber. The Committee of Council are not of opinion that any advantageous change can be made in the system of disposing of the public lands. The agents are paid by a moderate fixed commission on the monies passing through their hands, and as it would subject the public to great inconvenience if agencies were wholly abolished, the Committee cannot recommend the adoption of such a measure.

The Committee of Council have carefully considered the various charges on the Crown Land revenue, and the causes which have led to its apparent unproductiveness. It appears from the evidence of the Commissioner of Crown Lands that during the last eight years, scrip to the amount of £317,119 16s. 6d., has been issued in satisfaction of the claims of U.E. Loyalists and Militiamen, of which £291,085 15s. 10d. has been redeemed, being on an average upwards of £36,000, per annum. The amount outstanding, together with that to be issued in satisfaction of claims, may be estimated at about £40,000, so that the main cause of the apparent unproductiveness of the public lands will soon be removed. The Committee of Council are not called upon to express any opinion as to the wisdom of the policy of making grants originally to the U.E. Loyalists or Militiamen, or of satisfying the claims for such grants by the issue of scrip. It is sufficient for them to affirm that the faith of the Crown having been pledged to the claimants, the redemption of the scrip was an inevitable necessity; and although the revenue from the Crown Lands and Timber has been for several years very small, it must be considered an important and gratifying circumstance that a debt of nearly £400,000 has been extinguished.

The next important charge on the Territorial revenue is the expense of Surveys, including the salaries of the officers engaged in the superintendence of that branch of the Crown Lands department. The Committee of Council do not find either that the salaries of those employed permanently in the department, or the remuneration allowed to those engaged in surveying the new townships are excessive. There seems then but two modes by which this expense can be reduced: 1st, by the abandonment of Surveys: 2nd, by adopting a different system of remunerating the Surveyors, viz: that which formerly prevailed of compensating them by grants of the surveyed lands. The Committee of Council have no hesitation in giving it as their opinion, that it is wholly impossible, considering the demands of the settlers on the vacant lands of the Crown, to refuse to provide for new and extensive Surveys; and nothing but the want of means at the disposal of the department has prevented the Commissioner of Crown Lands from sooner meeting the urgent demands which have been made upon him from various parts of the Province for new Surveys. As to the mode of compensating Surveyors, the Committee of Council feel assured that the evidence of the Commissioner of Crown Lands must satisfy the public that no real saving can be effected by the change which has been suggested. "The Surveys" (says the Honorable Mr. Price in his evidence,) "paid in land cost more than twice as much as those paid in cash, while it is notorious that the former are very erro-

neous and defective." The Committee of Council are of opinion that any apparent retrenchment to be effected by reducing the cost of Surveys in money, at the sacrifice of the public domain, would be a measure of the most objectionable character. The other disbursements in the Crown Lands office are salaries, postages, advertizing, and other incidental expenses. The salary of the Chief Commissioner it is proposed should undergo a reduction of 20 per cent., similar to that which will be proposed for the other heads of departments. The salaries of the subordinate officers are not, in the opinion of the Committee of Council, excessive, and at present no reduction can be made in the number of those employed. The Commissioner of Crown Lands is fully impressed with the necessity of practising the utmost economy consistent with maintaining the efficiency of his department, and when the new postage system has come into operation, and when the land claims have been finally settled, there is reason to believe that the office expenditure may be reduced.

The Excise Revenue consists of auction duties, and duties on spirits, and the charge for licenses for shops, billiard-tables, &c. The officers employed in the collection of this revenue are paid by commission, and their emoluments vary from £10 to £300 per annum, averaging in Lower Canada about £100 per annum, and in Upper Canada about £140 per annum. The duties cannot, in the opinion of the Committee of Council, be advantageously transferred to any other class of officers, and the emoluments of the officers do not appear to be excessive. The duty on Bank Notes is paid direct to the Receiver-General without any charge.

The Committee of Council will now proceed to a consideration of the General Expenditure of the Province. The charge on the Consolidated Revenue for various items of expenditure during the year 1849 was (including the appropriation for the Sinking Fund, £75,000) £525,913 8s. 2d. Of this amount the charge for interest and appropriation for the Sinking Fund absorb £257,727 19s. 11d., or very nearly one-half of the entire amount. The sum of £93,704 6s. 7d. was expended on grants for educational and charitable Institutions, for the promotion of Agriculture, maintenance of Light-houses, Indian annuities, Militia pensions, Geological survey, and support of the Penitentiary. The Committee of Council are not of opinion that the expenditure under any of these heads can be reduced without causing very great public dissatisfaction. The expenses of the Legislature amounted to £54,001 7s. 2d. The Committee of Council forbear entering into the consideration of this branch of the expenditure which is under the immediate supervision of Committees appointed by the two Houses of the Legislature. The charge for the Administration of Justice was, in 1849, £62,740 14s. 2d., of which about £37,000 was expended for the contingent expenses in Upper and Lower Canada, principally in the maintenance of gaols and court-houses. The charge on the Civil List for the salaries of the Judges of the Superior Courts, and of the Attornies and Solicitors-General, was £21,432 0s. 10d. The Committee of Council are of opinion the salaries of all future Judges should be reduced, that the salaries of the Chief Justices and Chancellor should be fixed at £900 per annum, and those of the Puisné Judges and Vice-Chancellors at £800, and that the salaries of the Attornies-General should be the same as those of the Chief Justices. In proposing this reduction, the Committee of Council feel that they are going as far as is consistent with securing the best talent of the country for the highest judicial offices. The charge for Pensions, other than those for the Judges, may be briefly dismissed. These are, with few exceptions, of old standing, having been granted either prior to the Union of the two Provinces or at that period, to facilitate arrangements for introducing a new system of Government. The Pension List is being annually reduced, and will next year not exceed £4,000 currency. The charge for 1849 was £5,022 9s. 7d. The Pensions granted to the retiring Judges, which for 1849 amounted to £2,007 8s. 0d., stand on a different footing from ordinary Pensions. The tenure of office of the Judges being "quamdiu se bene gesserunt," the Crown has no power of removal. Bodily infirmity or advanced

age would not be sufficient grounds to justify the interference of Parliament to procure the dismissal of a Judge, and voluntary resignation in the absence of any provision could scarcely be expected. It would, in the opinion of the Committee of Council, be highly prejudicial to the public interest to alter the tenure of office of the Judges, and to make them incumbents during pleasure. In the State of New York the Judges were at one time required to vacate their seats on the bench at the age of 60. Under the operation of this rule the State was deprived of the services of eminent Judges in the full exercise of their powers. It has been suggested that special application should be made to Parliament for a retiring allowance in each particular case; such a system would inevitably lead to the Judges being obliged to seek the favor of members of a popular Assembly whose votes would be necessary to enable them to obtain their retiring allowances. The Committee of Council feel it unnecessary to dwell on the objections to such a system. It has likewise been suggested that a tax should be levied on the salaries of the Judges, sufficiently large to defray the charge for Judges' Pensions. The Committee cannot, in view of the reduction proposed in the salaries of the Judges, recommend any further deduction therefrom. They have entered at some length into this subject, believing that many who are in principle opposed to pensions will, on being made aware of the practical difficulty in the way of dispensing with Judicial Pensions, abandon their opposition to them, and more especially as it is not pretended that the Crown has abused the power conferred on it of granting Pensions to Judges to a limited extent.

The expense attendant on keeping up the organization of the Militia Force was, in 1849, £2,034 11s. 1d. It seems to the Committee of Council indispensable that this department should be divided into two branches, one for each section of the Province. In the absence of any specific recommendation from the Select Committee of Finance they are not prepared to suggest any plan for reducing the present expenditure under this head.

The Committee of Council have now to consider the charge on the Civil List for the Executive Government of the Province which was, for the year 1849, £32,081 11s. 2d. This charge covers the salary of the Governor General, £7,777 15s. 4d.; the several Departments of the Government, £18,242 9s. 9d.; and Contingencies, £6,061 6s. 1d. A considerable portion of the last item is for postage, an item which will be materially reduced under a cheap postage system. The salaries of the Governor General and of the Heads of Departments seem to have been those which principally occupied the attention of the Committee of Finance. In the salaries of the subordinate officers no material reduction could be effected without depriving the Government of the means of obtaining efficient assistance. The salaries of the

(28)

subordinate officers of the Government are not higher than those of persons of equal attainments in other occupations. With regard to the Heads of Departments it is to be observed that when the Civil List Act was passed, a considerable reduction was made in their emoluments which had previously been fully 20 per cent. higher. It appears to the Committee of Council that no scale of salaries can be fixed that will not be denounced as excessive by aspirants for popular favor. While the Committee of Council are convinced that the gentlemen who have devoted themselves to the public service of the country, and who have held political offices under various Administrations, have been actuated by higher motives than the desire of office for the sake of its emoluments. They are likewise prepared to maintain that the incumbents of such offices ought to be compensated with salaries commensurate with the sacrifice which they are called upon to make, and that they should not be exposed to pecuniary loss in addition to their other responsibilities. The Committee of Council have examined the proceedings of the Finance Committee on the subject of salaries with great attention, and have arrived at the conclusion that

the salaries of the Heads of Departments should be fixed at £800 per annum, being the same as those intended for the Puisné Judges. The Committee of Council do not deem it expedient to recommend any legislative enactment by which the number of the Executive Councillors should be limited. It may be practical to unite the offices of Speaker of the Legislative Council and Chairman of the Committee of the Executive Council with others, but this must depend on circumstances; and it cannot be the interest of the public to fetter the choice of the Crown to an extent proposed by some. It will often happen that assistance which it is important for the Government to secure can only be obtained on certain conditions which it may be for the public interest to accept. There can be no doubt that public opinion is sufficiently powerful to prevent any unnecessary expenditure of public money by the separation of offices which may be conveniently united. The salary attached to the office of Governor General must, in the opinion of the Committee of Council, be looked upon in a wholly different light from all other charges on the Civil List. Although the Committee of Council, in view of the circumstances under which the Act granting a Civil List to Her Majesty was passed, and considering that Act as a sacred engagement on the part of the people of Canada to pay the amount stipulated during a specified period of time, could not recommend any legislative action in this country until the subject had been brought under the notice of Her Majesty's Imperial Government, yet the Committee have entertained no doubt that without reference to their opinion as to the expediency of the change, Her Majesty's Government would offer no opposition to such retrenchment as the Canadian Legislature should determine on with reference to the salaries of Her Majesty's servants in Canada subordinate to Her Representative. But with regard to the Governor General the case is entirely different, and however strongly it may be urged that the Canadian Legislature have the right to determine the amount of all salaries chargeable on their revenues, the Committee of Council are of opinion that nothing could have tended more to create a serious misunderstanding with the Imperial Government than the adoption of any proposition for the reduction of the Governor General's salary without previous consultation with Her Majesty's Government. Such consultation would, under any circumstances, have been a mere act of courtesy; but when it is considered that the salary has been voted for the life of The Queen and an additional term of years, its omission would have been not only an act of discourtesy, but a breach of faith. The Committee of Council, therefore, could not have recommended any action on this subject without previous reference to Her Majesty's Government. With regard to the salary itself, it must be obvious that perpetual discussion regarding its amount is calculated to impair the dignity of the Queen's Representative, and to be a source of constant annoyance to the incumbent of the highest office in the Province. It must be sufficiently obvious that no reduction that could be proposed would put an end to agitation on the subject. There will always be advocates of a lower salary than that fixed by law. It might have been reasonably supposed that an Act granting the salary for a fixed period would have had the effect of preventing any discussion on the subject during that period. But experience proves that no such result can be anticipated. The most prominent advocates of a reduction of this salary during last session were members of the Government by which it was recommended only a few years before. It seems, therefore, highly desirable that, if possible, some arrangement regarding this salary should be made which would entirely remove it from the control of the Provincial Legislature. The Committee of Council are not prepared at present to make any specific recommendation on the subject which they feel assured will receive the best consideration of Her Majesty's Imperial Government.

The remaining charges on the revenue during 1849, are for the printing of the Laws, and various miscellaneous charges, most of which are not of a permanent character, and require no particular notice. It may be observed that various economical

changes have already been made in the printing of the Laws, and every practicable retrenchment in the printing expenses will be effected.

The Committee of Council having now reviewed the charges on the public revenue and the various branches of the public expenditure, would recommend Your Excellency to bring the subject of the Civil List under the notice of Her Majesty's Government, with the view of obtaining their concurrence to the proposed reductions in the salaries of the future Judges, and of certain officers of the Executive Government, and such reduction of the charge for Pensions as may be consistent with the maintenance of the honor of the Crown."

(Signed,) JOS. BOURRET, P.C.

(Copy.)--No. 568.

Answer to the
preceding
Despatch.

Downing Street, 14th March, 1851.

My Lord,--I have received your Despatch, No. 244, of the 31st December last, inclosing a Minute of your Executive Council on a Report made to the Legislative Assembly during its last session, by a Committee appointed to enquire into the state of the Provincial Income and Expenditure. I have also received the Report of the Committee to which the above Minute relates. These important documents, and the remarks which Your Lordship has made upon them in Your Despatch, have not failed to receive the deliberate consideration of my colleagues and of myself; and I have now to convey to you, on the part of Her Majesty's Government, the authority which is asked for by your Council, and which you recommend should be given to them, for proposing to the Canadian Parliament a Bill for reducing in the manner set forth in the above Minute, some of the charges provided for by the Civil List Act of 1846.

2. The grounds upon which Her Majesty's Government have thought it their duty to sanction the proposed alterations of an arrangement which has been so lately made for the term of Her Majesty's life by the Canadian Parliament, I cannot more

(29)

clearly explain to you than by transcribing the following extract from a Despatch which I had occasion, in August last, to address to the Governor of New South Wales, and which, upon this point, is equally applicable to Canada:

"I wish you distinctly to understand that there is no desire on the part of Her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the Colonists, will safely admit of being diminished. The interests of existing office-holders must be protected, because they accepted those offices with expectations which cannot justly be disappointed. But, subject to these interests, there is no objection to the Legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed. I should, for my own part, consider it highly injudicious to reduce the salary of an office, so as to render it no longer an object of ambition to men of ability and of respectable station. But this is a matter in which the interests of the Colonists only are involved, as they will be the sufferers from any failure to provide adequate remuneration for those by whom the Public Service is carried on; the determination, therefore, of what is sufficient, must be left to the Legislatures, with whom will rest the responsibility for the judicious exercise of power.

"I consider it, however, absolutely essential that whatever may be the rate of payment, the salaries of all the principal officers of the Government should, for the reasons stated in the Report of the Committee of the Privy Council, be permanently granted; that is not voted from year to year, but provided for in the same manner as charges on the Consolidated Fund in this country, by Acts, and therefore only susceptible of alteration by Acts of the Legislature passed in the ordinary manner, with the consent of the Crown. You will therefore understand that you are not at liberty to give the assent of the Crown to any Act which may be passed re-

ducing the salaries of those who are now in the Public Service, or rendering dependent on annual votes any of the charges now provided for by permanent appropriations. Any Acts of this sort you will reserve for the signification of Her Majesty's pleasure, unless you consider them so manifestly objectionable as to call for their rejection. Subject to this restriction, you are authorized to exercise your own judgment in giving or withholding your assent from Acts for the reduction of the fixed charges on the Colonial revenue."

3. Though for the reasons I have stated in the above extract, I consider it to be inexpedient that Her Majesty's Government should throw any obstacle in the way of those reductions in the salaries provided for by the Canadian Civil List, which it is the desire of your Council to propose to the Provincial Parliament, I think it my duty distinctly to record my opinion, that these reductions are in themselves unwise, and that the comparatively trifling saving which will thus be effected in the public expenditure of the Province, will not prove in the end to be an act of true and permanent economy. All experience seems to me to support the conclusion, that the truest economy, whether for States or for individuals, is to give liberal remuneration to those who are entrusted with the performance of duties of great importance and responsibility; the public cannot, any more than a private employer, expect to secure the advantage of being honestly and ably served, if it is niggardly in paying its servants; and when it is considered how serious are the losses and evils to which the community may be exposed from a deficiency of honesty and ability in those by whom its affairs are managed, the saving effected by reducing the salaries of those filling responsible situations below the amount which will afford a fair remuneration to men of character and ability for devoting their time and attention to public affairs instead of to their private concerns, will be found to have been dearly purchased. Hence, as it does not appear from your Despatch, that the principal public servants receive at present a high rate of pay as compared to that which is given to those who are employed by Banks and Mercantile Companies, I must regard the proposed reductions of salary as injudicious. This question, however, as I have already observed, is one for the consideration and decision of the Parliament of Canada.

4. That portion of the Minute of your Executive Council which relates to the amount of the salary at present attached to the office of Governor General, and your own remarks upon this important point, have attracted the more particular attention of Her Majesty's Government. The present salary of that office does not appear to me to be unduly high; on the contrary, believing it to be an object of the greatest importance to Canada that the post of Governor General should be filled by men of political experience, and of the highest ability that can be found, I regret that the salary is not at present such as in general to afford any temptation to those who have taken a lead in public affairs in this country, to abandon their prospects at home for the purpose of accepting this office. But I concur with Your Lordship and with your Council in considering the amount of the salary as of far less importance, than that this amount, whatever it may be, should be fixed, and should cease to be the subject of perpetual discussion in the Province, since such discussion, it is justly remarked by your Council in their Minute, is calculated to impair the dignity of The Queen's Representative. It might have been hoped that the manner in which the present salary of the Governor General was granted for Her Majesty's life by the Provincial Legislature, by an Act of Parliament freely and deliberately passed for that purpose, would have had the effect of permanently settling a question, the agitation of which has attended with so much evil.

Experience has, however, proved this hope to be unfounded; nor can I see the slightest reason for believing that if the existing arrangement were to be departed from, and any possible reduction in the salary of the office assented to

by Her Majesty, the question would then be set at rest, or that a still further reduction would not be proposed as soon as it might suit the views of any political party to renew the discussion.

5. There is but one mode that I am aware of by which any further agitation of this question in the Province may be effectually prevented, and that is by making the salary of the Governor General a charge not upon the Canadian but upon the British Treasury. This is an alteration which for many reasons I have long regarded as advisable; and it appears to Her Majesty's Government, that a fitting occasion for proposing it is now presented, in consequence of the desire manifested by the Canadian Parliament for a revision of the Civil List. But it is impossible that such an alteration can be recommended to Parliament except as part of a general measure for placing the fiscal relations of the Mother Country and the Colony on a footing adapted to the greatly altered circumstances of the present time as compared to those under which the existing arrangement of those relations has grown up.

6. Canada (in common with the other British Provinces in North America) now possesses in the most ample and complete manner in which it is possible that she should enjoy it, the advantage of self-government in all that relates to her internal affairs. It appears to Her Majesty's Government that this advantage ought to carry with it corresponding responsibilities, and that the time is now come

(30)

when the people of Canada must be called upon to take upon themselves a larger share than they have hitherto done, of expenses which are incurred on this account, and for their advantage. Of these expenses by far the heaviest charge which falls upon this country is that incurred for the Military protection of the Province. Regarding Canada as a most important and valuable part of the Empire, and believing the maintenance of the connexion between the Mother Country and the Colony to be of the highest advantage to both, it is far from being the view of Her Majesty's Government that the general Military power of the Empire is not to be used in the protection of this part of Her Majesty's dominions. But looking to the rapid progress which Canada is now making in wealth and population, and to the prosperity which she at this moment enjoys, it is the conviction of Her Majesty's Government, that it is only due to the people of this country that they should now be relieved from a large proportion of the charge which has hitherto been imposed upon them for the protection of a Colony now well able to do much towards protecting itself. In adopting this principle, I need hardly observe to you that Her Majesty's Government would merely be reverting to the former colonial policy of this country. You are well aware that up to the period of the war of the American Revolution, the then British Colonies which now form the United States, as well as the West Indian Colonies, were required to take upon themselves the principal share of the burthen of their own protection, and even to contribute to the Military operations undertaken to extend the Colonial possessions of the British Crown. The North American Colonies defended themselves almost entirely from the fierce Indian Tribes by which these infant communities were frequently imperilled, and furnished no inconsiderable proportion of the force by which the contest of British power with that of France was maintained on the Continent of America; and the West Indian Colonies did not, in proportion to their means, make less exertions.

7. Her Majesty's Government would have thought it right at an earlier period to revert to this former policy of the Empire, and to extend to Canada measures of the same description with those which have already been adopted as respects the Australian Colonies, had it not been that till lately there were circumstances connected with the commercial and general condition of Canada which seemed to render the time unfavorable for effecting so important a change. The difficulties

under which commerce and industry labored were of a very aggravated description, and produced their usual consequences of political excitement and discontent; nor ought it to be concealed that much of the prevailing distress was attributable to the changes which had taken place in British legislation. The combined effect of the stimulus given by the Act of 1843 to the investment of capital in preparations for supplying this country with flour from Canada, and of the subsequent general repeal of all restrictions on the importation of corn and flour into the United Kingdom, had undoubtedly been to cause very heavy losses in Canada, and till these had been recovered, it would have been inexpedient to add to the burthens of the Province.

8. But the season of commercial depression in Canada has now passed away, the repeal of the Navigation Laws, and the opening of the St. Lawrence Canals, which the Province has been enabled to construct by a loan raised on highly favorable terms on the credit of the British Treasury, has given a great impulse to its trade, and the remarkable increase of the Customs' revenue which you have lately reported to me, affords a clear and striking proof of the return of prosperity. Under these circumstances, it appears to Her Majesty's Government, that no more favorable opportunity could be found for placing the fiscal relations of the Mother Country and the Colony on a permanent and equitable footing. They are the more induced to adopt this view of the subject, because they are prepared to recommend to Parliament that assistance of the same kind with that which has proved so eminently useful to Canada in the construction of the St. Lawrence Canals, should be extended to her in respect of another public work, calculated to be hardly less beneficial to her than these Canals. In another Despatch I will explain to Your Lordship the views of Her Majesty's Government with regard to the means by which it is hoped that the construction of the Quebec and Halifax Railway may be accomplished. I only advert to this subject at present for the purpose of observing, that while the credit of this Country is exerted to enable Canada to extend her public works and to develop her resources, I feel confident that the Parliament of Canada will readily co-operate with Her Majesty's Government in adopting measures for diminishing the charge on the British Treasury for the defence of the Province.

9. Having thus explained to Your Lordship the Principles of the policy which Her Majesty's Government propose to adopt, I will now proceed to state more particularly the measures by which it is contemplated that this policy should be carried into effect. In the first place, it is intended that in future, with the exception of a certain number of enrolled Pensioners, for whose location in the Province arrangements are in progress, the Troops maintained in Canada should be confined to the Garrisons of two or three fortified posts of importance, probably only Quebec and Kingston. The terms of amity upon which this Country now is with the United States, and the fortunate termination of all the questions in dispute between the two nations, removes, as I trust, all risk of any attack upon Canada from the only Power from which there could be any danger; and it appears to Her Majesty's Government, that if the Provincial Militia is maintained upon a proper footing, so long as peace continues, enough would be done to provide for the security of the Province, by maintaining Garrisons of Regular Troops in the two important posts I have mentioned. In the unfortunate, and I trust improbable contingency of a war with the United States, it is obvious that both the Colony and the Mother Country would be called upon to submit to great sacrifices; but I have no doubt that these would be cheerfully made by both, if the exigency should unhappily arise.

10. Upon the reduction of the British Force in Canada to the Garrisons of these fortified positions, it would become necessary that the warlike stores which are kept in the Colony should be reduced, and that the barracks and other buildings which are no longer required should be disposed of; but if the Parliament

of Canada should be willing to undertake to keep up these barracks and buildings, in case of their being hereafter required, there would be no objection on the part of Her Majesty's Government to make them over to the Provincial authorities, and if the maintenance of a British Force at any of the posts now occupied should be desired for the preservation of internal security such a Force would be readily supplied by Her Majesty's Government, if the actual cost thus incurred were provided for by the Province.

11. Another charge which Her Majesty's Government would also expect that the Province should take upon itself as part of the above arrangement, is that of maintaining the Canals now in charge of the Ordnance Department. You are aware that these Canals were executed at the sole expense of this country and

(31)

at a very heavy cost, chiefly with a view to the Military defence of the Province. Her Majesty's Government conceive that the charge of maintaining them ought now to be undertaken by the Province, and I trust that no difficulty will arise on that head. With regard to the Indian Department, as by the arrangement lately made, the extinction of the charge (except so far as regards some payments for their lives to individuals) is provided for within five years, no further steps are required to be taken.

12. In conclusion, I have now only to assure you that--while Her Majesty's Government consider that justice to the people of this Country requires that Canada, which is now so well able to support whatever establishments are necessary for her own defence and for her own advantage, should cease to occasion so heavy a charge as formerly to the British Treasury, and that it is a fitting opportunity for introducing the change, when, in consequence of proceedings which have taken place in the Province, it becomes expedient to call upon Parliament to provide for the salary of the Governor General--it must not for a moment be supposed that these measures are contemplated under any idea that the connexion between the Mother Country and the Colony could be dissolved without great injury to both, or that there is any probability that it will be so. On the contrary, these measures are regarded as safe, because Her Majesty's Government are persuaded that the great body of the people of Canada are so fully satisfied of the great benefits they enjoy from the system of Constitutional Government now happily established in the Province under the authority of the British Crown, that it may properly be left to themselves to take their share of the burthen of maintaining and defending an order of things from which they reap so much advantage. Under this impression, and in the earnest hope and confident belief that Canada may long continue to form an important member of the British Empire, Her Majesty's Government have adopted the conclusions which I have now explained to you.

I have, &c.,
(Signed,) GREY.

Governor

The Right Honorable

The Earl of Elgin and Kincardine.

&c., &c., &c.

(Copy.)--No. 551

Clergy Reserves.

Downing Street, 27th January, 1851.

My Lord,--I have hitherto deferred answering Your Lordship's Despatch, No. 198, of the 19th July last, in which you transmitted to me an Address to Her Majesty from the House of Assembly on the subject of the Clergy Reserves, because when this Despatch reached me the Session of the Provincial Legislature having already been brought to an end, and that of the Impe-

rial Parliament being about to close, nothing could for some months be done on the subject referred to; and I therefore thought it advisable that it should be reserved for that full and deliberate consideration of Her Majesty's Government which its difficulty and importance deserved.

2. I have now to instruct Your Lordship to inform the House of Assembly when it shall again be called together, that their Address to The Queen, which was transmitted to me in your Despatch, has been laid before Her Majesty, and that Her Majesty has been pleased to receive it very graciously.

You will further inform the House, that while Her Majesty's Servants greatly regret that a subject of so much difficulty as that of the Clergy Reserves should after an interval of some years have again been brought under discussion, it has appeared to them on mature deliberation that the desire expressed by the Assembly in this Address ought to be acceded to, and they will accordingly be prepared to recommend to Parliament that an Act should be passed giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to the Clergy Reserves, provided that existing interests are respected.

3. In coming to this conclusion Her Majesty's Government have been mainly influenced by the consideration that great as would in their judgment be the advantages which would result from leaving undisturbed the existing arrangement by which a certain portion of the public lands of Canada are made available for the purpose of creating a fund for the religious instruction of the inhabitants of the Province, still the question whether that arrangement is to be maintained or altered is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the Province.

4. It has therefore appeared to Her Majesty's Government that it would be impossible for them consistently with the principles on which they have always held that the Government of Canada ought to be conducted, to advise Her Majesty to refuse to comply with the prayer of the Address of the House of Assembly, and they have had the less difficulty in coming to this conclusion, because they have observed with satisfaction that the Assembly in their Address have recognized the claims of those who are now in the enjoyment of incomes derived from the funds realized by the sale of the lands in question, and have not asked that in any alteration of the Act of Parliament now in force, authority should be given to the Provincial Legislature to interfere with the continuance of these incomes for the lives of the parties by whom they are received. The course thus taken by the Assembly is alike consistent with sound policy and with justice, and has obviated what would otherwise have been a great difficulty in the way of accomplishing the object they have in view.

5. You will cause copies of this Despatch to be laid before both Houses of the Parliament of Canada at their next meeting.

I am, &c.,
(Signed,)

GREY.

The Right Honorable
The Earl of Elgin,
&c., &c., &c.

Message and
Despatches to
be printed.

Ordered, That five hundred copies of the preceding Message and accompanying documents be printed in each of the English and French Languages, for the use of the Members of this House.²

MR. MERRITT enquired when the subjects embodied in the despatches will come under the consideration of the House.³

MR. INSP. GEN. HINCKS replied that those portions which relate to the Civil List will probably be discussed at no distant day. No time could yet be fixed for the consideration of the other portions of the despatches.⁴

(31)

Cruelty to
Animals Bill.

Ordered, That Mr. Richards have leave to bring in a Bill
for the prevention of Cruelty to Animals.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Bill relating to
Real Property
illegally de-
tained.

Ordered, That Mr. Sanborn have leave to bring in a Bill
to provide a more summary and less expensive process for proprietors of real property in Lower Canada to acquire the possession thereof, when illegally detained from them in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

(32)

Bill relating to
the Judgments
and Records of
the Late Pro-
vincial Court
of St. Francis
District.

Ordered, That Mr. Sanborn have leave to bring in a Bill
to render the Judgments of the late Provincial Court
for the Inferior District of Saint Francis executory,
and for the removal of the Records of the said Court
into the Circuit Court at Sherbrooke.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Richards, seconded by Mr. Smith of Durham,

Petit Jurors,
(U.C.).

Resolved, That this House do now resolve itself into a
Committee to take into consideration the expediency
of paying Petit Jurors in Upper Canada, in part or
in whole, by taxes raised by the local Municipalities.

The House accordingly resolved itself into the said Committee.

Mr. Ross took the Chair of the Committee;⁵

MR. RICHARDS explained the object of his bill was to fund certain fees and fines now paid to Jurors in Upper Canada, and pay them a dollar a day in lieu thereof.⁶

(32)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Ross reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Bill to author-
ize a second
Term of the
Superior Court
to be held in
the District of
Gaspé.

The Order of the day for the second reading of the
Bill to authorize the holding of a second Term of the
Superior Court annually in the District of Gaspé, so
soon as the Grand Juries thereof shall represent the
same to be necessary, being read;

Ordered, That the Bill be read a second time, on Monday
next.

*Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by
Mr. Morrison,
The House adjourned.*

APPENDIX: 27 MAY 1851.

[QUESTION AND ANSWER RE: COUNTY ATTORNIES.]⁷

MR. J. SMITH (Durham) [made] an enquiry.⁸

MR. AT. GEN. BALDWIN stated in answer ... that it was not the intention of the Ministry to bring in a measure, during the present session, for appointing County Attorneys for conducting the Criminal business of Upper Canada.⁹

[POSTPONED QUESTION RE: DIFFERENTIAL DUTIES BILL.]¹⁰

MR. ROBINSON ... [enquired] whether it is the intention of the Government to introduce a bill for imposing differential duties in favor of articles imported into this province by sea.¹¹

At the request of MR. INSP. GEN. HINCKS, [the enquiry was] postponed for a week.¹²

FOOTNOTES: 27 MAY 1851.

1. L'AVENIR, 2 June 1851 commented: "Les délibérations de la séance de mardi n'ont eu rien de remarquable."
2. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 30 May 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by EXAMINER, 28 May 1851.
3. NORTH AMERICAN, 30 May 1851.
4. IBID.
5. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 30 May 1851, MONTREAL TRANSCRIPT, 31 May 1851, PILOT, 31 May 1851, and GLOBE, 31 May 1851.
6. BRITISH COLONIST, 30 May 1851.
7. The following papers reported this question in identical accounts: NORTH AMERICAN, 30 May 1851, BATHURST COURIER, 6 June 1851; BRITISH COLONIST, 30 May 1851, MONTREAL TRANSCRIPT, 31 May 1851, PILOT, 31 May 1851, and GLOBE, 31 May 1851. The question was also reported by EXAMINER, 28 May 1851.
8. BRITISH COLONIST, 30 May 1851.
9. IBID.
10. The following papers reported this postponed question in identical accounts: NORTH AMERICAN, 30 May 1851, and BATHURST COURIER, 6 June 1851.
11. NORTH AMERICAN, 30 May 1851.
12. IBID.

WEDNESDAY, 28 MAY 1851.

(32)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. DeWitt,--The Petition of the Company of Proprietors of the Champlain and St. Lawrence Railroad.

By Mr. Mongenais,--The Petition of Joseph Lalonde and others, Censitaires, of the Parish of Ste. Marthe, County of Vaudreuil; the Petition of G. Beaudet and others, Censitaires, of the Parishes of St. Clet and St. Ignace du Côtéau du Lac, County of Vaudreuil; and the Petition of A.C. Cholet, Esquire, and others, Censitaires, of the Parish of Rigaud, County of Vaudreuil.

By Mr. Lacoste,--The Petition of G. Marchand and others, members of the Academy of St. John, and others.

By Mr. Hopkins,--The Petition of George Rolph, of the Town of Dundas, Esquire.

By the Honorable Mr. LaTerrière,--The Petition of the Reverend A. Beaudry and others, of the Parishes of St. Etienne de la Malbaie, St. Fidèle, and Ste. Agnès; and the Petition of the Reverend N.T. Hébert and others, of the Parishes of St. Etienne de la Malbaie, St. Fidèle, and St. Agnès.

By Mr. Prince,--The Petition of John Montgomery, of the City of Toronto, Hotel-keeper;¹

COL. PRINCE brought up a petition from Mr. John Montgomery to a select committee for them to report thereon. The main object of the petition was to clear the petitioner of certain imputations which as he says have been unjustly cast upon him through the receipt of improper evidence. Mr. Prince then read the petition, which stated that² in 1837 he was the owner of a tavern and other dwelling houses on Yonge Street, which he leased to a tenant, for £350 a year, that in December in that year, while in the tavern as a boarder, a party of³ armed⁴ persons came in⁵ and stated that they came with the intention of marching upon Toronto. He being a boarder and having no control, advised them to go away, which they refused to do, and the party being afterwards⁶ attacked and routed by a party of militia, who set fire to and destroyed that and adjoining buildings.⁷ The premises were burnt by the latter, and property destroyed to the amount of £7,000; that he was afterwards indicted⁸ and tried for high treason⁹ on evidence which he is prepared to prove was false.¹⁰ He was in no way connected with the patriots, as he is now in a position to prove, and that by the event in question he has been stripped of his property and left nothing to sustain him in his old age¹¹. He had been ruined in health and property. He, therefore, prayed the consideration of the House, and such relief as might be thought proper.¹²

(32)

and the Petition of the Municipal Council of the County of Kent.

By Mr. Notman,--The Petition of the Municipality of Bayham.

By Mr. Chauveau,--The Petition of Sister E. Bruyère and others, Nuns, on behalf of the Communauté des Révérendes Soeurs de la Charité at Bytown.

By Mr. Mackenzie,--Two Petitions of the Municipal Council of the County of Haldimand.

By the Honorable Mr. Chabot,--The Petition of G. Tourangeau and others, sufferers by the great Fires at Quebec; and the Petition of François Lapointe and others, Branch Pilots for and below the Harbour and Port of Quebec.

By the Honorable Mr. Boulton,--The Petition of Milton Ragland, of the City of Toronto.

By Mr. Cauchon,--The Petition of C.H. Lassiseraye.

By the Honorable Mr. Merritt,--The Petition of the Municipal Council of the United Counties of Lincoln and Welland.

Pursuant to the Order of the day, the following Petitions were read:--

Petitions read.

Of the Municipal Council of the Village of Huntingdon; praying that the County of Beauharnois may be divided into two Circuits, and that a Circuit Court be held at the said Village of Huntingdon.

Of the Corporation of the Seminary of Nicolet; praying a certain grant of money in aid thereof.

Of the Reverend F.T. Lahaye, general Agent of the Communauté de St. Viateur, for the Colleges of Industrie, Chambly, and Rigaud; praying aid in behalf of the "College Joliette."

Of A. Merizzi, Esquire, and others, Censitaires, of the County of Huntingdon; of David Trudel and others, Censitaires, of the County of Champlain; and of William E. Page and others, of Metis, County of Rimouski, praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

Of James Rae and others, Councillors of the Township of Westminster; praying that any Bill proposing a northern and southern division of the County of Middlesex may not pass into Law.

Of N.F. Belleau, Esquire, Mayor, on behalf of the Citizens of Quebec; praying the adoption of measures for the promotion of the contemplated Railroad from Halifax to Quebec.

Of the Municipal Council of the County of Waterloo; praying for the appointment of an Inspector of Flour, and also of Pot and Pearl Ashes, who shall reside either at Dundas or Hamilton.

Of the Municipal Council of the County of Waterloo; praying for the passing of an Act to enable them to collect certain arrears of tax imposed by a By-law of the Council of the late District of Wellington.

Of W.D. Powell, Esquire, Chairman, and Thomas Saunders, Clerk of the Peace, on behalf of the Magistrates of the Court of Quarter Sessions for the County of Waterloo; praying for the passing of an Act to establish a Schedule of Fees to be received by Justices of the Peace for duties performed by them.

Of the Municipality of the Township of Guelph; praying the adoption of measures for placing the management of Houses opened for Public Entertainment, and the funds arising from Tavern Licenses, under the control of the several Municipal Councils of the Province.

Of the Corporation of the Chambly College; praying aid in behalf thereof for certain purposes.

Of A.M. Delisle and William H. Brehaut, Esquires, of Montreal; representing the loss and inconvenience sustained by them as Joint Clerk of the Peace of and for the District of Montreal by the Act of last Session funding the fees of their said office, and praying a repeal of the said Act, or otherwise that they may be remunerated for their said loss.

(33)

Of L.G. Brown, Esquire, and others, of the County of Beauharnois; praying that the place for holding the Circuit Court of the said County may be appointed at the Parish of St. Clement de Beauharnois, instead of Ste. Martine.

Of the Reverend P. Boucher and others, of the Parishes of Ste. Anne and Cape Chat; praying aid to open a Road between Cape Chat and Matane.

Of F.X. Poulin, Esquire, M.D., and others, of the Parish of St. Germain de Rimouski; praying a repeal of the existing Education Law of Lower Canada.

Of Joseph Morency and others, Pilots for the Port of Quebec; praying an Act of Incorporation, with certain provisions for the better protection of their calling.

Of C.H. Lassiseraye, of Montreal; representing that he has been for many years engaged in the education of youth, and praying aid to enable him to continue his labors therein.

Of the Right Reverend the Roman Catholic Bishop of Montreal, and others, the Congregation of St. Patrick's Church in the City of Montreal; praying aid to complete an Asylum for Orphans and destitute Immigrants in the said City.

Of John Rolph, Esquire, and others, Licentiates in Medicine; praying an Act of Incorporation as the Toronto School of Medicine.

Of the Woodstock and Lake Erie Railway and Harbour Company; praying the extension and amendment of their Charter.

Of the Port Hope Harbour and Wharf Company; praying the passing of an Act to increase their Capital Stock.

Of Joseph Painchaud, Esquire, and others, Physicians and Surgeons, of the District of Quebec; praying a certain amendment to the Act for regulating the study and practice of Medicine in Lower Canada.

Of Baptiste Tremblay and others, of St. Louis de l'Isle aux Coudres, County of Saguenay; praying aid to improve the condition of the said Island by draining the swamps therein.

Of Louis Harvey, Esquire, and others, of the Parish of St. Louis de l'Isle aux Coudres, County of Saguenay; praying aid to construct a Wharf upon the said Island.

Petition of J. G. Bowes, and others referred.

Ordered, That the Petition of John G. Bowes, Esquire, and others, Heads of Municipalities in Upper Canada, be referred to the Standing Committee on Standing Orders.

On the motion of the Honorable Mr. Boulton, seconded by Mr. McFarland,

Rules of the House.

Ordered, That the Rules of this House, as revised during the last Session, be printed for the use of the Members of this House.

Petitions to be printed.

Ordered, That the Petition of Joseph Bruneau and others, of Lower Canada, Militiamen, and the Petition of Peter Paterson, Esquire, and others, Merchants of Quebec, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,

Adjournment.

Resolved, That To-morrow being the Feast of the Ascension, and a Statutory Holiday, this House when it doth adjourn, will adjourn until Friday next.

Orders and Notices postponed.

Ordered, That the Orders of the day, and Notices of Motions, for to-morrow, be postponed until Friday next.

Joint Stock Road Companies Bill, (U.C.).

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to amend the Act, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," and to extend the provisions thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the eleventh of June next.

On motion of Mr. Smith of Durham, seconded by Mr. Richards,

Registrars in
Upper Canada.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Return

shewing the emoluments of office of the several Registrars in Upper Canada for the past year, and particularizing as far as can be conveniently done the various sources of such emoluments, with the dates of their respective appointments to office.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Meyers, seconded by Mr. McConnell,

Timber cut on
Reserves.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to order to be laid before this

House, an Account, in detail, of the amount of money collected for Timber or Wood cut on Crown and Clergy Reserves, and each of them, in the County of Peterborough, in the years 1849, 1850, and 1851, and each of them, and the description of Timber and Wood cut, and whether cut in pursuance of license granted, or otherwise.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Boulton,

Reciprocity.

Resolved, That this House will, on Wednesday next, resolve into a Committee for the purpose of taking

into consideration the following proposed Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada:--

1. That this House, with renewed assurance of its continued attachment to Her Majesty's Person and Government, begs to express its earnest desire to unite in carrying into successful operation any Commercial Policy which has been or may be adopted by the Imperial Parliament for the general interest of the Empire.

2. That adhering to this feeling, this House nevertheless begs to represent that since the change in the Colonial Policy of Great Britain in 1845, producers in Canada (who compose nineteen-twentieths of the population) as well as those engaged in commerce or manufactures have been subjected to great loss, as compared with similar interests on the opposite side of the boundary dividing this Province from the United States, inasmuch as they are under the existing Commercial Laws of Great Britain and the United States, at all times subject to lower prices, and under no circumstances can they obtain higher prices--because whenever markets for the natural productions of the respective Countries are higher in America than in Europe, they are always lower in Canada than in the United

(34)

States; so also when prices are higher in Europe than in America, Canadian Wheat and Flour grown in the same latitude, same soil, and same climate, and manufactured in mills producing the same quality as that producible in the United States, does not command as high a price for export as does the Wheat and Flour of the United States for consumption in the Eastern States.

3. That this House begs leave respectfully to represent, that this inequality of prices on the different sides of the boundary arises from the twenty per cent.

duty imposed by the United States upon the introduction of Canadian Wheat and other productions, the whole of which is paid by the Canadian producer by whom it is exported, and not by the consumer in the United States; and this fact, which has been tested by the experience of its practical operation since 1847, was thus expressed in June, 1849, in a Petition to this House from the Provincial Agricultural Association of Upper Canada:--"We feel imperiously called upon, and fully warranted in assuring Your Honorable House, that we shall look in vain for a spirit of enterprize, content, or prosperity, among the Farmers of Canada West, until their products shall command the same price which is attained by the Farmers of the State of New York."

4. That this House does not seek for the adoption of any measure the effect of which would enhance the price of the productions of Canada at the cost of the consumer in Great Britain, neither does this House ask for protection,--its only aim is to be placed on an equal footing with the producer in the United States; and that this can only be effected by extending the principles of the Navigation Act to the following productions of this Province: Grain and Bread-stuffs of all kinds, Vegetables, Fruits, Seeds, Animals, Hides, Wool, Cheese, Tallow, Horns, Salted and Fresh Meats, Ores of all kinds of Metals, Plaster of Paris in Stone or Ground, Ashes, Timber, Staves, Wood and Lumber of all kinds, which will make it the interest both of the United States, and of all other Nations, to remove any duty at present imposed by them on those articles.

5. That this House, in order that its intentions may not be misunderstood, feels it to be its duty to point out the difference in the operation of a fixed duty, and a retaliatory duty as now proposed: the former having the effect of increasing prices both to the home producer and consumer, to the amount of the duty imposed; while the latter increases prices to neither, provided a sufficient supply be furnished, without duty, to meet the demand:--Thus, if one hundred thousand quarters of wheat is consumed, and seventy-five thousand produced, in Great Britain, a fixed duty of, say 5s. per quarter, enhances the price full 5s. to the grower, at the cost of the consumer; while the twenty-five thousand quarters imported to make up the deficiency also increases the price to the consumer to the same extent, at the same time the foreign producer receives 5s. less (the full amount paid to the State) than the home producer, as this Province has witnessed and felt for some years past in the relative prices of Wheat on the opposite sides of the boundary between Canada and the United States. That by adopting the principle of reciprocity as now proposed, this double operation of increasing the cost to the home consumer, and at the same time lessening the price to the foreign producer, could not arise,--the twenty-five thousand quarters required would be furnished from Nations situated on the Baltic, Mediterranean, and Black Sea, without duty; thus the producer in Britain would receive no higher prices, and the consumer would pay no more. That if the United States or any other Nation should continue to levy this duty, the profits of the producer in such Foreign Country would be reduced in a like proportion, thereby placing him precisely in the same situation as the producer in Canada when his productions are consumed in the United States.

6. That having experienced this inequality of prices in Canada under the operation of the duties in the United States in 1836-7 and 1838, when prices ruled higher in America than in Great Britain, the Legislature addressed Her Majesty, in May, 1846, to open a negociation with the Government of the United States, to admit the productions of the respective Countries into each others markets on equal terms; that the said negociation was promptly opened by Mr. Packenham, in Washington, in June following, where it has remained up to the present moment without any apparent inclination on the part of the Government of the United States to accede to their request.

7. That, in conclusion, this House would beg to represent to Her Majesty, that this is a question uniting all interests, and one which involves the future peace and prosperity of the Colony, and essential to the maintenance of its connexion with Great Britain.

8. That an humble Address be presented to Her Majesty, respectfully praying that Her Majesty will be pleased to recommend to the Imperial Parliament to enact, that a like duty may henceforth be imposed on the productions (hereinbefore enumerated) of all Nations when imported into Great Britain as such Foreign Nations may impose on the importation of similar productions of Great Britain and her dependencies.¹³

MR. INSP. GEN. HINCKS said that sweeping complaints had been made against this house, for not appealing to the home government at the time of passing the imperial free trade measures; the truth being that the house make [sic] a representation on the subject.¹⁴

(34)

On motion of the Honorable Mr. Sherwood, seconded by Mr. Christie,

Witnesses.

Ordered, That during the remainder of the present Session, no monies be paid by the Clerk of this House from the Contingencies thereof to any person attending for examination before any Committee thereof, unless, in addition to the formalities heretofore used and observed previous to payment in such cases, the payment to the person sent for and examined before such Committee is authorized by the Standing Committee on Contingencies, and endorsed in testimony thereof by the Chairman of the said Standing Committee; and that no person residing in the City of Toronto so sent for and examined be paid; and that in any case when a witness shall have been in attendance during four days, and when his presence may be still further required, the authority of the said Committee on Contingencies shall be had recourse to by the Chairman of the examining Committee, and so on every four days; and that no payment be made unless the above requirements have been attended to, and are so certified.

Census Act
Amendment
Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein.

(35)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Justices of the
Peace (U.C.)
Fees Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the Reign of King William the Fourth, chapter seventeen.

He accordingly presented the said Bill to the House and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Egan, seconded by Mr. Malloch,

Duty on For-
eign Timber.

Resolved, That the following humble Address be presented to Her Majesty:

To the Queen's Most Excellent Majesty.

May it please Your Majesty;

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada in Parliament assembled, beg leave respectfully to address Your Majesty on a subject which we conceive to be of the utmost importance to our Constituents. We have heard with alarm, that it is the intention of Your Majesty's Imperial Government to propose to Parliament a reduction of the present Duties on Foreign Timber, to an extent which will materially diminish the opportunities which the Colonial producer now enjoys of availing himself of the British Markets. The difference in the cost of labor and freight in favor of the European producer of timber and deals, is well known, and manifestly places his Colonial competitor in a position of great inferiority. The difference in freight alone amounts to an advantage of seventeen shillings per load of square timber, or four pence per foot, the average present rate from the Baltic being from twelve shillings to thirteen shillings per load, while from Quebec the rate is thirty shillings per load. It must be evident that a difference so extensive as this must operate as a practical prohibition of the Lumber from the North American Colonies, and it is to be feared that some of the most important branches of the trade will be totally destroyed, and the whole will certainly be seriously depressed by the change now announced by Your Majesty's Government. The serious injury to the Province which must result from this depression, will be best manifested by the statement that four-fifths of all the tonnage which visits Canadian ports is employed in the British timber trade; and that immense tracts of country, including the entire region watered by the Ottawa and Saguenay, and other less considerable rivers, are dependent directly or indirectly on this traffic. It is calculated that no less than thirty-five thousand men are employed directly in the preparation and shipment of Lumber, &c., and this is of course independent of the many thousands of farmers, merchants, and other industrious persons engaged in the supply of necessaries. The wages of these men are calculated at one million two hundred thousand pounds per annum, of which a very large proportion is expended in the purchase of British goods.

We need not point out to Your Majesty that the British Market is really the only one we have to look to for the export of our great staples, shut out as we are from the Ports of the United States by prohibitory Wood duties of twenty per cent., which renders any shipment to that quarter of comparatively little benefit; should it however be deemed expedient to remove the duty alluded to, we would humbly submit that in justice to the Colonists sufficient notice of such determination may be given.

We therefore humbly and earnestly pray Your Majesty to take the above facts into Your favorable consideration, in order to continue to us the advantages consequent upon our connection with the Mother Country, and avert the evils which must inevitably ensue, if the contemplated change be carried into effect, and especially without any notice; and we beg to avail ourselves of this opportunity to renew our assurances of devoted attachment to Your Majesty's Person and Government.¹⁵

MR. EGAN went on to say that in bringing forward this motion, he was actuated by no selfish motives, but only by his desire for the advantage of all engaged in the trade¹⁶ generally, which was of vital importance to this country.¹⁷ At present, statesmen in England, and the people of New Brunswick, were moving in favour of the colonial timber trade, for he found that meetings in favour of continuing the present protection had been held in England, and that a similar movement had taken place at ... [Saint John]. Considering then that the timber trade was one on which the happiness¹⁸ and prosperity of thousands of persons¹⁹

depended²⁰ and which we should do every thing in our power to promote and protect²¹, he thought [it] the imperative duty of the Legislature of Canada to act in unison with these persons.²² (Hear, hear.)²³ It was now proposed by the British Government, to cut down the existing protection on Colonial as opposed to foreign lumber from 14s. to 6s. 6d. per load, and no doubt could exist among persons acquainted with trade, that the foreigner, after such a change, would have an immense advantage over the colonial producer²⁴ and when you consider the immense amount of capital invested on the Lumber Trade, it is our duty to use all the means in our power to bring before our gracious sovereign the position in which we would be placed if this existing protection were taken away.²⁵ This trade was most important to British shipping as well as to Canadian interests, for it employed²⁶ about 26,000 seamen, the supplies for whom are taken from²⁷ the resources of this country. The effect of the present trade would be to drive the Canadian producer still more out of the market, just as former changes had reduced the exportation at Quebec to the extent of²⁸ three millions of feet of lumber worth about £75,000 so that instead of sending five to six millions of feet as formerly, they had only been sending about two millions.²⁹ Again, out of fifty-six merchants engaged in the lumber trade at Quebec some few years ago, no less than forty had been ruined. It had happened not unfrequently [sic], that cargoes of deals sent to England had not realized the freight, owing to the cheapness and low rates of freight which favoured foreign competition. He desired also to call attention to the fact, that the present change had not been called for by any considerable number of the people of England. The shipowners indeed, and other large consumers were³⁰ against it, inasmuch as they are³¹ well satisfied, that the moment the Colonial producers were driven out of the market, they would be entirely at the mercy of the foreigner. Even already the foreigner was putting his goods into bond to await the reduction of the duty, and yet they were demanding an advance of 25s. per load, in consequence of the increased value given them by the expected changes. Without the immense contracts for railroads recently made in England, it would be impossible to realize anything for some descriptions of lumber at Quebec.³² But these contracts amounting to upwards of 4,000,000 of feet are now keeping the Canadian trade going, and they are getting 4d. to 5d. for what they would otherwise be getting 3d. to 4d. The Broker's circular of the 23rd May, from Quebec, says, Red Pine is now scarcely in demand. Why was this?³³ Because the foreigner drove Canadians from the market; for though Canadian timber was better than his, yet the foreigners could throw upon the market a quantity of inferior wood, that answered for certain purposes.³⁴ Even at ... [Saint John] at this moment the freight for square lumber is 5d., while from Quebec it is 9d. The reason of [sic] this is they have little or no outward freight; and the shipowners must get a double freight homewards in order to enable them to carry on their business.--The same thing was evident in the case of flour. At Montreal they charge 3s. 6d. a barrel for carrying flour, while you get it from New York for 4s. 3d.--If, however, these duties were reduced the lumber trade would be altogether paralyzed, and inducements would be held out to the foreigners, and the result would be that instead of paying 3s. 6d., for four you will pay 7s. 6d., and besides emigration would be driven altogether to the United States.³⁵ The emigrants would cease to arrive in Canadian ports, and they would go to settle and increase the population of the United States.³⁶ He hoped the address would pass unanimously, as it would thereby have a greater effect in Great Britain than if a division were called upon it.³⁷

MR. CAYLEY said, the Address had in view only one branch of Canadian exports. The moment was propitious [sic]³⁸ [and] no time should be lost in³⁹ bringing the whole subject of protection to colonial exports before the attention of the

... Imperial Parliament⁴⁰, and he believed an address from the house would have an important effect on the house of commons. He had a slight amendment to propose.⁴¹ The hon. gentleman concluded by moving an amendment the effect that an addition be made to the Address so as to include wheat and flour, &c.⁴²

MR. ROBINSON remarked, that the question of protection, in general, would shortly come up, and the subject of this amendment therewith--a subject which might admit of doubt,⁴³ as there was no change contemplated in the Imperial Parliament in reference to wheat, and while all parties would undoubtedly be in favor of the address, as it stood, were the amendments of the hon. member for Huron submitted, it would cause considerable diversity of opinion.⁴⁴ He therefore did not desire to mix up the two subjects.⁴⁵

MR. ROSS said that it was improper to pass an address of this nature, which contained a variety of statistical statements, without having time given to test the accuracy of these. Though he would not oppose the motion, he would remonstrate against the haste with which such a measure was sought to be carried.⁴⁶

MR. INSP. GEN. HINCKS said, with regard to the expediency of adopting the address in its present form, it might be stated that the hon. member who has moved it is well known to be extensively engaged in the lumber trade, and he has brought forward an address on the subject, in which he remonstrates against the proposed alteration in timber duties, and asks the assistance of this House to avert the evil likely to result from this alteration. There are few he thought who have paid attention to what is going on in England, who are not sufficiently aware of the opinions of the Government there in reference to protection. He thought there was scarcely any probability of anything we pass here, having the effect the hon. member desires⁴⁷ [of convincing] the consumers in England that protection was desirable.⁴⁸ He did not see the address before it was brought into the House, and he regretted that the hon. member did not press a little more than he had done, the importance of getting a little time⁴⁹ to allow a year to pass before the proposed change in the law took effect⁵⁰ rather than ... the absolute prevention of the proposed changes.⁵¹ He thought the Imperial Government might possibly be induced to postpone the application of the new law for a few months. At all events the remonstrance at the present time may have effect of giving a little time; but he did not think any argument would tend to alter the opinions of the Imperial Government. This question has now been in agitation for ten or twelve years at least, and we have had good time to prepare for what was coming.⁵² He thought that time was the great thing, he remembered having heard⁵³ even from the hon. member for Ottawa himself, that the lumberers in this country did not want protection.⁵⁴ At the same time it was important that producers should have due notice.⁵⁵ With regard to the amendment proposed by the hon. member for Huron, he really thought it would be very imprudent to mix up this question with the duty on Canadian flour. It certainly was at the present time rather questionable whether a change of Ministry will not take place, and if so it is not impossible that the leading statesmen of another administration may make a fixed duty on flour. The impression on his own mind is that should that distinguished statesman alluded to, be able to form a ministry, we would again have protection in the English market. In all events he thought our interests are safe in the hands of the parties in England. In the meantime, it could prejudice the object the hon. member for Ottawa has in view by introducing anything about the general question of Protection at this moment. He was disposed to give every assistance he could in carrying this address, so that it might be sent to England with the least possible delay.⁵⁶ He opposed Mr. Cayley's amendment.⁵⁷

MR. EGAN explained that what he said about not wanting protection applied

to yellow pine only.⁵⁸

The address [was] ... read a second time.⁵⁹

MR. MACKENZIE objected to its being engrossed, as members had no opportunity of seeing what it contained. He saw one statement in it which he knew to be false⁶⁰, that the American duty on timber was prohibitory, and that the timber trade with the United States was of very little importance. When he was in the county of Haldimand, he found that the greater part of the timber in that county was going to the United States. Then it was stated that four fifths of the shipping of that country was engaged in the British timber trade. Was that true? He objected to passing measures of this importance in so short a time.⁶¹ No notice had been given of it. He did not know where it came from.⁶²

MR. INSP. GEN. HINCKS said a few words on the importance of the address being immediately passed. Perhaps the hon. member might have done well not to have gone so much into detail of statistics, as they had not the means of verifying them.⁶³

MR. MALLOCH hoped the motion would pass without a dissenting voice. As to the hon. member for Haldimand, he got up on every occasion, and opposed every motion, whether he knew anything about it or not. That hon. member was a stranger in the country, he had not been a member long, and could not be supposed to understand everything that came before the House. The hon. member for Ottawa was largely interested in the lumber trade, and understood the subject well. The lumber trade was an interest that was of immense importance to the country; and the address now before the House was of great importance, and should not be retarded for sake of unreasoning objections of the hon. member of Haldimand. Notice of the address had been given and was on the list of orders for the day, which the hon. member for Haldimand might have seen, had he been so disposed, or paid proper attention.--Motion carried.⁶⁴

MR. CAYLEY withdrew his amendment.⁶⁵

[There were] a few remarks from some other members⁶⁶.

The address was slightly amended, and passed⁶⁷ unanimously.⁶⁸

(35)

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors that this House hath adopted an Address to Her Majesty, on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, and requesting the concurrence of their Honors thereto.

Ordered, That Mr. Egan do carry the said Message to the Legislative Council.

MR. HOPKINS⁶⁹ moved that the clerk be instructed to cause an additional number of journals of the house to be printed, sufficient to supply one copy to each municipality, and one copy to the editor of each newspaper.⁷⁰

MR. INSP. GEN. HINCKS said the hon. member who moved this resolution was a great advocate of retrenchment⁷¹. Now he (Mr. H.) thought the honourable member should have given some information--some idea of the expense; whether it would be £500 or £1000. He was not prepared to say that means should not be employed to place matters in such a position that Municipalities should be enabled to obtain copies of the Journals. He thought the matter should be referred to the Committee on Printing.⁷²

MR. HOPKINS said he had made inquiry⁷³ from the printer⁷⁴, and found out, that the cost of 450 copies would not exceed £200, as the types were all set

up, and the only extra expense would be for paper, presswork, and binding. 450 extra copies would supply the municipalities and the newspapers sent to the House.⁷⁵

MR. H. BOULTON was in favour of retrenchment, but he would vote for the motion, if the expense would be £500. The hon. Inspector General did not wish the country to see his votes⁷⁶ on public questions.⁷⁷

MR. RICHARDS said there were upwards of 1000 municipalities in the country, and the expense of printing the Journals cost the House £1750; and he did not see, when this was the case, that the municipalities and editors of newspapers could be supplied for the sum the hon. member stated.⁷⁸

MR. COM. CR. LANDS PRICE said there were 400 municipalities in Upper Canada. The question should be referred to the printing Committee.⁷⁹

MR. CAUCHON denounced the proposal to give a copy of the journals to each of the editors as an enormous proposition. He was in favour of one copy being given to each county municipality, but no more.⁸⁰

MR. DEWITT showed that the member for Huron had understated the cost.⁸¹

MR. INSP. GEN. HINCKS said, to show that he was not opposed to giving the public information he had taken upon himself the responsibility of ordering an extra number of the trade returns and of the public accounts for municipalities, who could get them at the mere cost of printing. But he wanted to see these documents sold, not only to municipalities, but to the public, as in England, where all such documents are regularly sold. He then concluded by moving that the matter be referred to the printing committee:--Carried.⁸²

(35)

Journals of the House.

Mr. Hopkins moved, seconded by the Honorable Mr. Boulton, and the Question being proposed, That when the Journals of this House are printed, the Clerk do cause an additional number to be struck off sufficient for the supply of one copy each to the several Municipalities within this Province, and to the proprietors of such Newspapers as shall have furnished one copy to the Library of this House one year;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by Mr. Solicitor General Macdonald, That all the words after "That" to the end of the Question be left out, in order to add the words "it be an Instruction to the Standing Committee on Printing to enquire and report for the information of this House, the most efficient and economical mode of distributing Copies of the Journals for the information of the Public;"

And the Question being put on the Amendment:--It was resolved in the Affirmative.

The the main Question, so amended, being put;

Ordered, That it be an Instruction to the Standing Committee on Printing to enquire and report for the information of this House, the most efficient and economical mode of distributing Copies of the Journals for the information of the Public.

Petit Jurors
(U.C.)

Mr. Ross, from the Committee to take into consideration the expediency of paying Petit Jurors in Upper Canada, in part or in whole, by taxes raised by the local Municipalities, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient that Petit Jurors attending Criminal Courts of Assize and Nisi Prius, Oyer and Terminer and general Gaol Delivery, and of

the several Courts of Quarter Sessions and the County Courts in Upper Canada, should be paid for attending such Courts from local monies.

The said Resolution, being read a second time, was agreed to.

Petit Jurors
Payment Bill
(U.C.).

Ordered, That Mr. Richards have leave to bring in a Bill to provide for the payment of Petit Jurors in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Real or mixed
Actions Bill.

The Order of the day for the second reading of the Bill to amend the Law in Lower Canada as regards the

(36)

District in which real and mixed Actions may be commenced, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Bill relating to
Lands and
Tenements.

The Order of the day for the House in Committee on the Bill to facilitate the leasing of Lands and Tenements, being read;

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Taché reported, That the Committee had gone through the Bill, and made an amendment thereto.

Ordered, That the Report be now received.

Mr. Taché reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed, and read the third time on Friday next.

Then, on motion of Mr. DeWitt, seconded by the Honorable Mr. Hincks, The House adjourned.

APPENDIX: 28 MAY 1851.

[NOTICE OF MOTION RE: PUBLIC EXPENDITURE.]⁸³

MR. MACKENZIE [gave notice of a motion] for ... returns relating to ... a multitude of matters of public expenditure⁸⁴.

[NOTICE OF MOTION RE: A RETURN FOR PENSIONERS.]⁸⁵

MR. MACKENZIE gave notice of ... an address ... for a return of pensioners, etc.⁸⁶

[NOTICE OF MOTION RE: USURY BILL.]⁸⁷

MR. HOLMES gave notice of a bill to repeal the Usury Laws.⁸⁸

[NOTICE OF MOTION RE: BILL TO PROTECT MAGISTRATES AND CONSTABLES.]

MR. J. CAMERON [gave notice of a motion] for leave to introduce a bill relative to the protection of magistrates and constables in the discharge of their duties.⁸⁹

[NOTICE OF ADDRESS RE: APPOINTMENT OF ARBITRATORS.]

MR. SMITH gave notice of an address for information relative to the appointment of Arbitrators, under the Board of Trade Act.⁹⁰

[NOTICE OF ADDRESS RE: PERSONS CONFINED FOR DEBT IN UPPER CANADA.]⁹¹

MR. MACKENZIE gave notice ... of an address of the names of persons confined for debt in Upper Canada.⁹²

[NOTICE OF ADDRESS RE: DIVISION COURTS.]⁹³

MR. MACKENZIE gave notice of ... an address for a return relative to the Division Courts⁹⁴.

[NOTICE OF QUESTION RE: TORONTO UNIVERSITY COMMISSION.]⁹⁵

MR. MACKENZIE gave notice of⁹⁶ a question concerning the appointment of the University Commission and its labours.⁹⁷

[NOTICE OF QUESTION RE: DUTY ON TIMBER.]

MR. H. SHERWOOD [gave notice of a question] whether it is the intention of Government to propose an export duty on saw-logs and other timber taken in an unmanufactured state from this Province to the United States; or otherwise to protect the lumber manufactures of the Province.⁹⁸

[QUESTION AND ANSWER RE: SEAT OF GOVERNMENT.]⁹⁹

MR. H. SHERWOOD, pursuant to notice, asked whether it is the intention of the Government to remove to Quebec after the present Session of Parliament, or before the expiration of four years from the time the same was removed from Montreal to Toronto?¹⁰⁰

MR. AT. GEN. BALDWIN said, it was the intention of the Government to remove the Seat of Government to Quebec, before the expiration of four years from the time of its settlement at Toronto, at some time after the expiration of the present Session.¹⁰¹

MR. H. SHERWOOD.--When, and for what time?¹⁰²

MR. AT. GEN. BALDWIN.--It is impossible to answer that¹⁰³.

[QUESTION AND ANSWER RE: INTEMPERANCE.]¹⁰⁴

MR. MCCONNELL enquired of the Ministry, if they intend to amend or repeal the Act for the more effectual suppression of Intemperance in Lower Canada, during the present season?¹⁰⁵

MR. INSP. GEN. HINCKS stated that it was the intention of the Government to move such a measure at an early day.¹⁰⁶

[QUESTION AND ANSWER RE: GOVERNOR GENERAL'S RESIDENCE.]¹⁰⁷

MR. H. BOULTON inquired of the Ministry, whether the house and premises called Spencer Wood have been rented by the Government for the use of His Excellency the Governor General, and for what period, and at what rent; and whether it is contemplated by the Government to expend any and what sum of money in any alteration of those premises.¹⁰⁸

MR. INSP. GEN. HINCKS, in answering this inquiry, said, it has been very unfortunate that there has not been any house the property of the public which could have been made a suitable residence for the Governor General, either at Quebec, Montreal, or Toronto. That being the case, it has been found necessary to make some arrangement, and he considered that a very economical and advantageous arrangement had been entered into at Quebec, in reference to Spencer Wood. They had got a lease of it for four years, with the privilege of purchasing it at the end of one year. The rent of the property, including about 60 acres of land, in the immediate vicinity of Quebec, was £450 a year. The cost of repairing it would be somewhere about £2,000 or £2,500, and the purchase-money required would be £8,000. He had been informed that the proprietor had expended about £6,000 in improving it.¹⁰⁹

[QUESTION AND ANSWER RE: CLAIMING LANDS.]¹¹⁰

MR. MEYERS enquired of the Ministry, whether it is their intention, to bring in a bill during the present Session to extend the time limited by the provisions of the Act 12 Vic., cap. 31, for claiming lands whereof the patents have not been issued?¹¹¹

MR. COM. CR. LANDS PRICE replied in the affirmative.¹¹²

[QUESTION AND ANSWER RE: LAND PATENTS.]¹¹³

MR. ROBINSON enquired of the Ministry, whether it is the intention of the Government to extend the time for taking out Land Patents¹¹⁴.

[He] was answered in the affirmative.¹¹⁵

[WITHDRAWN MOTION RE: COMMITTEE ON FISHERIES.]¹¹⁶

MR. CHRISTIE had given notice of a motion for a Committee of the whole, to consider the state of the Fisheries carried on in the Gulf of St. Lawrence by Her Majesty's subjects in this Province, and the expediency of affording them relief.¹¹⁷

MR. INSP. GEN. HINCKS was glad to hear that the demands of the fishermen were so moderate.¹¹⁸ Des requêtes sur le même sujet avaient été adressées au gouvernement venant de différentes parts, et que le gouvernement avait, à la prière des pétitionnaires, formé l'intention, comme il en a le pouvoir par la loi¹¹⁹ of last session¹²⁰

d'admettre à 2½ par cent [*sic*] de droit plusieurs des articles nécessaires à la pêche qui paient aujourd'hui 12½; et que s'il n'avait pas agi de suite, c'est qu'il ne s'était pas tout à fait arrêté sur les articles à favoriser; que, dans tous les cas, le gouvernement aurait bientôt pris sa détermination, et qu'il viendrait au secours de la pêche d'automne.¹²¹

MR. CHRISTIE therefore consented to allow the order to drop.¹²²

[WITHDRAWN MOTION RE: ADDRESS FOR CORRESPONDENCE ON RECIPROCITY NEGOTIATIONS.]¹²³

MR. ROBINSON moved an address to His Excellency for correspondence and documents on the subject of a Reciprocal Trade with the United States.¹²⁴

MR. INSP. GEN. HINCKS said that in the present state of negotiations it would be very unadvisable to comply with the motion. If the correspondence were published here, it would be seen throughout the whole continent, and would act prejudicially against the interests of the Province, and the efforts of the Government to obtain the desired reciprocity. There could not be better evidence on this point than was afforded by the publication of despatches of Sir J. Harvey, Lieut. Governor of Nova Scotia, to the Home Government, in which appeared the full extent of the concessions which Nova Scotia is prepared to make, if necessary, to obtain Reciprocity with the United States. The Americans were thus made acquainted with the concessions which they may demand, with a certainty of obtaining them. He trusted, then, that no hon. member, however he may differ from the Administration on matters of general policy, will now press for this publication, as there is no member of the Government who is not sincerely anxious to obtain reciprocal trade with the United States, and Her Majesty's Minister at Washington entertains an equal desire. The question is still unsettled. There has been no positive refusal on the part of the United States Government to negotiate on the subject, and therefore it would be accordingly impolitic to publish a correspondence which is not yet concluded. The fact that the correspondence is really between Her Majesty's Government and Her Majesty's Minister at Washington, and although copies have been formally communicated to the Provincial Government, it would not be proper, even if it were expedient, to present the correspondence to the House, without the consent of the Home Government.¹²⁵

COL. PRINCE deemed the explanation very unsatisfactory, both with regard to the interests of the people and the character of the administration. No subject is more closely connected with the welfare of the Canadian farmer, and in none should there be a more decided and intelligent policy. The information sought for in the motion was peculiarly important at this time, as the days of the administration are drawing to a close¹²⁶, and it would be very pleasant to them if all their picadilloes [*sic*] could be concealed from the public eye¹²⁷ among other things, ... their inability to obtain that reciprocity which he was satisfied the Americans would not have refused without sufficient reason.¹²⁸ He guessed if that correspondence were produced it would appear that the fault of the failure to get reciprocity rested on this government.¹²⁹

MR. ROBINSON had no desire to embarrass the proceedings of the government, but if he consented to withdraw his motion for the present he did not intend to abandon it; for he thought it highly important that some strong resolutions on the subject should be passed before the House breaks up. The Reciprocity Act should be repealed if nothing else.¹³⁰ It must be understood, ... that if he withdrew it now, it would be temporarily, and with a view to re-introducing it, if necessary, before the close of the Session.¹³¹

MR. H. SHERWOOD hoped the hon. member for Simcoe would not withdraw his motion, even temporarily, as no confidence could be placed in the course pursued by the Government.¹³² This reciprocity was to be held out year after year as a great boon likely to be realized¹³³. The papers were refused last year on the same pretence.... Then it was reasonable to allege such a cause for the refusal; but the fact was that the people were only now being deluded by the hope of obtaining the reciprocity, while in fact¹³⁴ he believed that there was no prospect whatever that the United States would pass the reciprocity measure. It was true a bill had been introduced into Congress, but the individuals who introduced it had not influence enough to procure a discussion on the subject. He then referred to the Canadian embassies on the subject¹³⁵. First, they sent Mr. Tiffany to Washington, then Mr. Malcolm Cameron was sent, and lastly the Inspector General visited the American capital--all to obtain this much talked of reciprocity. All, however, had signally failed. The Inspector General not only failed, but rendered himself and the Government he represented ridiculous in the eyes of the American people, by threatening to close the canals against them. The threat was laughed at as a piece of impertinence.¹³⁶ The production of these papers would probably prove that this reciprocity could not be obtained; and would show whose fault it was that it could not.¹³⁷ The cause of the signal want of success that has attended these efforts was traceable to the fact that the attempt has hitherto been to thrust upon the States a one-sided reciprocity beneficial to Canada alone. In proof of this, the hon. gentleman read extracts from articles in the Washington Republic--the organ of the Filmore administration--in which a desire was expressed to meet the Canadians on a fair basis; opening the United States ports to all Canadian produce, on the condition that all United States produce be admitted on equal terms to Canada.¹³⁸ If reciprocity were established at all, it must be reciprocal in everything--that if all Canadian products were admitted into the United States, free of duty, all American goods must be admitted into the Canadas in like manner. That article he had no doubt expressed the sentiments of the American Congress. It was clear that there was no reciprocity in asking free trade in all the goods we had to export, while we only gave to our neighbours the opportunity of exporting the very same goods, which could not be wanted here, or they would not be exported hence.¹³⁹ It was regarded (continued Mr. S.) by the United States Congress as a piece of impertinence, for the Canadian Legislature to say what articles should be included in an arrangement for reciprocity; the reason why he had failed was, that we had dictated to the United States Congress, who would never consent to any arrangement that did not include such articles of American production as rice, cotton and tobacco¹⁴⁰, and [we had fixed] the articles before hand--all our own staple products--to which the reciprocity would apply. Under these circumstances, however, ministers had last year assured the country that the negotiations were on the point of success. This was the last session of Parliament, and if the correspondence was not now given, the country would be kept in¹⁴¹ a state of profound ignorance on the subject. The information ought to be produced that the people might be in a position to say whether the same members should be returned¹⁴² at the next election,¹⁴³ or what ought to be done.¹⁴⁴

MR. INSP. GEN. HINCKS said, whatever he might think of the Americans there was no trait in their character similar to that which had been exhibited by the hon. member for Toronto, whose whole speech¹⁴⁵ [was] designed and calculated to frustrate all attempts to obtain reciprocity. No stronger evidence could be afforded of this, than the praise which he had awarded to the Republic--a newspaper distinguished above others by its hostility to Canadian interests, and which admitted into its columns articles from Canada, written by¹⁴⁶ parties opposed to the Government, and whose object was to bring about the annexation of

this country to the United States.¹⁴⁷ These kind of articles in newspapers he found were written in the Western papers as far as Chicago, and he knew that many of them came from the City of Montreal.¹⁴⁸ When he (Mr. Hincks) was in Washington, he was told that the great opposition to this measure came from Canada--and that the perpetual writers against it were avowed annexationists.¹⁴⁹ He knew the writer of some of them. (Cries of name.) The hon. member named T.S. Brown¹⁵⁰, better known as General¹⁵¹ Storrow Brown. (Laughter.)¹⁵²

MR. HOLMES said that was the first time he had heard that Mr. Brown was an annexationist.¹⁵³

MR. INSP. GEN. HINCKS was at a loss to understand the objects of the hon. member for Toronto. Did he endorse the views of the Washington Republic, and propose to take all duties off American manufactures coming into Canada? Was he prepared to remove¹⁵⁴ the whole of our frontier duties¹⁵⁵ from which the revenues of the Province are derived¹⁵⁶ and do away with all our Customs houses¹⁵⁷, and to resort, in lieu thereof, to direct taxation? Or, is he in favor of the modest proposal to put on duties of 20 to 25 per cent. on English manufactures imported into the province, while our whole frontier is to be thrown open to American goods?¹⁵⁸

MR. H. SHERWOOD said he would explain.¹⁵⁹

MR. INSP. GEN. HINCKS [continued:] The hon. gentleman had stated that this question had not been, and would not be, entertained by Congress. But it is a remarkable fact, that there is scarcely one leading man, on any side, in Congress, who is not avowedly in favour of reciprocity. The measure failed last session, but so did many others of paramount importance to the American people. The Reciprocity Bill passed the House of Representatives with scarcely any opposition, and a majority of the members of the Senate are known to be in favor of it. One of the most distinguished members of the latter body--Mr. Seward--had told him (Mr. Hincks) that he had studied the subject with the view of finding arguments against it, but he had come to the conclusion that the interests of both countries are deeply involved in its adoption.¹⁶⁰ With regard to his own proceedings at Washington,¹⁶¹ it had been said that he (Mr. Hincks) employed threats towards the Americans, but he denied this. He merely referred to certain facts, in order that the Americans might be aware of the probable results of a refusal to reciprocate. The reference was not laughed at, but, on the contrary, was graciously considered by the United States Government.¹⁶² He had the satisfaction of knowing that what were called his threats had done good. The measure had heretofore been regarded merely as a Canadian measure; but the effect of his negotiaton [sic] had been to set interests at work to carry it, and while he deprecated any expression of the House on the subject of retaliation, he declared that of all retaliatory measures, none could be so effectual as to close the Welland Canal. Nor could this inflict great loss on Canada. It might doubtless sacrifice a small amount of tolls; but this was nothing¹⁶³. His proceedings at Washington had a most beneficial influence on the prospects of this measure, which had previously been regarded as purely Canadian in its bearings. Within the last six or eight months, the Americans have begun to perceive their interest in the subject; and when this conviction becomes more general, there will be no difficulty in effecting a settlement of the question. Whatever may be said about closing the canals, there can be no doubt that if any retaliatory policy be pursued at all--and on this point he would express no opinion--there is none that could be so successful as the closing of our canals to American vessels. He knew that if American vessels were not allowed to pass through our canals except to British ports, a heavier blow would be inflicted on American interests than could be in-

flicted in any other way. Such a measure would perhaps deprive us of a certain amount of canal tolls, but that would be a comparatively trifling loss¹⁶⁴ compared with the gain which would be derived from obtaining the admission, free of duty of the immense quantities of breadstuffs going into the United States at 20 per cent duty.¹⁶⁵ We have shown every desire to have our trade with the United States unfettered. We have admitted them to our canals, although they will not allow our vessels to enter theirs; we admit their manufactures at the same rate as those of Great Britain; and if, after all, they will not concede reciprocity, it may become a question for our consideration whether we should not adopt a retaliation policy. For his part, he should view such a measure with regret, believing as he did that the interests of all countries are best promoted by freedom of trade. At the same time, retaliation may be necessary.¹⁶⁶ History showed that the American Government might be influenced by retaliation; for the Spaniards having vainly attempted to negotiate for a long time with the United States for the reduction of duties on their shipping, at length retaliated, and so obtained what they wanted at once.¹⁶⁷ He was satisfied that the Government would be prepared during the present session to meet the question in one way or another¹⁶⁸, to announce distinctly what would be their policy with reference to retaliation or otherwise, in order to obtain the desired reciprocity.¹⁶⁹ But that had nothing to do with the presentation of the despatches aimed at in the motion before the house. The hon. gentleman concluded by repeating his reasons for declining to comply with the motion, and by assuring the House that the Government would not fail to exert themselves to the utmost to secure the success of a measure in which the interests of the Province are deeply involved.¹⁷⁰

MR. H. BOULTON agreed with the Inspector General that it would be highly improper for this Government to give copies of despatches between the British Government and the British Minister at Washington¹⁷¹, but he could see no good reason for withholding full information concerning all that has taken place between the Provincial and United States' Government¹⁷², for the Americans already knew all about that--that is if there were any negotiations of this kind, which he really could not understand.¹⁷³ The Government ought to give this information on this point--what steps have been taken by the Canadian Government to obtain reciprocity, and what have been the replies of the American Government.¹⁷⁴

MR. MERRITT recommended Mr. Robinson to withdraw his motion. He stated that he felt a deep interest in the subject, which will come fully before the House on an early day¹⁷⁵. He had no doubt a measure would be passed almost unanimously by this House that would make it the interest of the Americans to reciprocate, and he should endeavour¹⁷⁶ to show them that it would be for the interests of Americans themselves to grant us reciprocity.¹⁷⁷

MR. MACKENZIE doubted if it were of much use to apply to the British Government to do anything in the way of reversing its policy; for the British nation did not readily change. The commercial relations of the two countries had been discussed since the corn laws were imposed at the point of the bayonet in 1821; and glad would have been the Americans to give concessions for half of that which had been since given them for nothing. Our condition, however, was well known in England, at the time when they took off the duties on American goods; but where were then those who should have enforced Canadian claims?¹⁷⁸ [He] made some remarks as to the apathy of the persons in power in Canada and their agents in London in allowing the British Government to reduce the duty on American cotton for their own advantage, without getting a saving clause introduced in favor of Canada.¹⁷⁹ When the English Government reduced the duty on American cotton and when they afterwards took off the whole duty on \$60,000 or \$70,000 worth of American goods imported in England yearly could nothing have been done

to procure for Canada those advantages we now seek in vain? Could they not have put a clause into the Imperial bill doing something for Canada?¹⁸⁰ The British Government had acted for the benefit of the British people, and for that of no one else; but they ought to have had some one to induce them to put a clause into their act for the protection of the colony.¹⁸¹ He considered it an absurdity for Canadian Ministers to go to Washington to endeavour to effect reciprocity¹⁸²; he saw them there walking about but doing nothing. They ought never to have gone there; the negotiation ought to have been left to the British Ambassador.¹⁸³ Sir Henry Bulwer was there for the purpose of doing our business, and he was well paid for it. He considered that as Canada was part of the British Empire, the Americans had got sufficient compensation for the consideration of reciprocity with Canada.¹⁸⁴ He did not believe that anything could be done now, by legislation in this country; and whatever might be said of the reasons why the Americans did not grant Reciprocity, the true reason was, because they did not want to grant it¹⁸⁵, although they had got a considerable boon which he considered quite sufficient to cause them to concede to the request¹⁸⁶ when the free navigation of the St. Lawrence was added to the bill still neither House would have anything to do with it.¹⁸⁷ Oswego was anxious for the measure, but Buffalo was against it.¹⁸⁸ He was in favor of free trade. But says the hon. Inspector General we will retaliate; close our canals. Will you? The trade between the United States and Canada, export and import, amounted to about eighteen or nineteen millions.¹⁸⁹ But was there no cause why America should, in justice, give this Reciprocity. Yes, there was, the fact that the United States could send to England--to part of our empire--an immense quantity of cotton and flour free of duty. Yes, there was, the fact that the American trade with Canada was the third largest of her trades with the world.¹⁹⁰ Through England and England alone could we obtain reciprocity; and this ought to have been done when the British free trade measures were passed.¹⁹¹ The only way to get Reciprocity, he repeated, was by the British Government telling the Americans, through its Ambassador, that it would impose duties on their goods; but this would not be done because the Americans would then impose duties on British iron. It was from fear of this that the British Government only pretended, with a few faint attempts, to gain what was desired. There was an immense trade between Canada and the United States; but on every occasion the Canadian was taxed twenty-five per cent. before he could sell his wheat, while the American could put his wheat on board a ship at Oswego, or send it to England, or forward other goods to Canada, without paying a copper.¹⁹² The greater part of the trade with the Ottawa is carried in American vessels, and so with the trade on the Welland Canal, and they were bowing to Americans continually for favours, and although it is true that some of the American States are in favour of Reciprocity, they have never attempted to carry any such bill down to the House.¹⁹³ (He then read from a speech of Lord Eldon, that Canada must either be treated like a part of the empire, or must be negotiated for with the United States, as if she were an independent State.¹⁹⁴ The Government should let us know what they have done in this matter. What the nostrum of the hon. member for Lincoln ought be he did not know; it might be a very good measure; from a long acquaintance with him he was aware that he was in the habit of doing things in a very sharp way. As to what the government had done they had not moved a bit; he liked them though better than the Tories; he did not like to see the Tories in power just from old associations, but so far as principle was concerned there was very little difference between them and the present government.¹⁹⁵ When the Tories were in power, they had the manliness, at least to say to England that Canada must be attended to, or it would be necessary to consider whether a connexion with the United States would not be better than the present colonial condition; but the present ministers could say nothing but the most

gentle nothings which were not calculated to have any effect. He now asked whether Canada was in a better condition than if connected with the United States? He ridiculed Mr. Brown's assertion at Haldimand, that if we could get Reciprocity it was no matter, as the colony would obtain free trade with the colonies; for that was about the same as free trade with the antipodes¹⁹⁶. He did not want to see the despatches from Lord Palmerston, but he wanted to know what had been done by this government towards securing reciprocity. It was not true that the American Senators were in favor of reciprocity; he denied it; when a legislature were in favor of a measure they generally passed it. The hon. gentleman concluded by stating that we should get no reciprocity unless the Home Government took decided steps in the matter.¹⁹⁷ If the British Government would not act in earnest, the colony would go on for a century paying duties to the United States.¹⁹⁸

MR. DEWITT, as an annexationist, repudiated the Inspector Generals' assertion, that the annexationists had opposed reciprocity; and remarked that if Mr. T.S. Brown's influence could outweigh that of the Inspector General, as the latter represented, the simplest way would be for the Government to obtain Mr. Brown's assistance.¹⁹⁹

MR. ROBINSON would withdraw his motion, if the hon. Inspector General said it would embarrass the proceedings of the Government, but with the understanding that he might again bring up the question this session.²⁰⁰

Leave was then given to withdraw the motion.²⁰¹

MR. INSP. GEN. HINCKS, MR. G. SHERWOOD, and MR. CAYLEY, made remarks as to the statements made by the member for Haldimand, in reference to the apathy of the Canadian Government, in not calling the attention of the Imperial Government to the interests of Canada.²⁰²

FOOTNOTES: 28 MAY 1851.

1. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 30 May 1851, and EXAMINER, 4 June 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; and PILOT, 3 June 1851.
2. NORTH AMERICAN, 30 May 1851.
3. PILOT, 3 June 1851.
4. BRITISH COLONIST, 30 May 1851.
5. PILOT, 3 June 1851.
6. BRITISH COLONIST, 30 May 1851.
7. PILOT, 3 June 1851.
8. BRITISH COLONIST, 30 May 1851.
9. NORTH AMERICAN, 30 May 1851.
10. PILOT, 3 June 1851.
11. NORTH AMERICAN, 30 May 1851.
12. BRITISH COLONIST, 30 May 1851.
13. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 2 June 1851, and MORNING CHRONICLE, 11 June 1851, which copied from MONTREAL GAZETTE. The debate was also reported by EXAMINER, 4 June 1851.
14. EXAMINER, 4 June 1851.
15. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 2 June 1851, in two separate accounts, one of which was identical to BATHURST COURIER, 6 June 1851, the other identical to MORNING CHRONICLE, 11 June 1851, which also copied from MONTREAL GAZETTE. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 30 May 1851, OTTAWA CITIZEN, 7 June 1851; BRITISH WHIG, 30 May 1851, MORNING CHRONICLE, 30 May 1851, and MONTREAL TRANSCRIPT, 31 May 1851. The debate was also reported by: NORTH AMERICAN, 3 June 1851; and EXAMINER, 4 June 1851.
16. BRITISH COLONIST, 30 May 1851.
17. NORTH AMERICAN, 3 June 1851.
18. BRITISH COLONIST, 30 May 1851.
19. NORTH AMERICAN, 3 June 1851.
20. BRITISH COLONIST, 30 May 1851.
21. NORTH AMERICAN, 3 June 1851.
22. BRITISH COLONIST, 30 May 1851.
23. NORTH AMERICAN, 3 June 1851.
24. BRITISH COLONIST, 30 May 1851.
25. NORTH AMERICAN, 3 June 1851.
26. BRITISH COLONIST, 30 May 1851.
27. NORTH AMERICAN, 3 June 1851.
28. BRITISH COLONIST, 30 May 1851.
29. NORTH AMERICAN, 3 June 1851.
30. BRITISH COLONIST, 30 May 1851.
31. NORTH AMERICAN, 3 June 1851.
32. BRITISH COLONIST, 30 May 1851.
33. NORTH AMERICAN, 3 June 1851.
34. BRITISH COLONIST, 30 May 1851.
35. NORTH AMERICAN, 3 June 1851.
36. BRITISH COLONIST, 30 May 1851.
37. NORTH AMERICAN, 3 June 1851.
38. IBID.

39. EXAMINER, 4 June 1851.
40. NORTH AMERICAN, 3 June 1851.
41. EXAMINER, 4 June 1851.
42. NORTH AMERICAN, 3 June 1851.
43. BRITISH COLONIST, 30 May 1851.
44. NORTH AMERICAN, 3 June 1851.
45. BRITISH COLONIST, 30 May 1851.
46. NORTH AMERICAN, 3 June 1851.
47. IBID.
48. EXAMINER, 4 June 1851.
49. NORTH AMERICAN, 3 June 1851.
50. EXAMINER, 4 June 1851.
51. BRITISH COLONIST, 30 May 1851.
52. NORTH AMERICAN, 3 June 1851.
53. BRITISH COLONIST, 30 May 1851.
54. NORTH AMERICAN, 3 June 1851.
55. BRITISH COLONIST, 30 May 1851.
56. NORTH AMERICAN, 3 June 1851.
57. BRITISH COLONIST, 30 May 1851.
58. IBID.
59. IBID.
60. IBID.
61. EXAMINER, 4 June 1851.
62. BRITISH COLONIST, 30 May 1851.
63. IBID.
64. IBID.
65. NORTH AMERICAN, 3 June 1851.
66. IBID.
67. IBID.
68. EXAMINER, 4 June 1851.
69. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 2 June 1851, MORNING CHRONICLE, 11 June 1851, which copied from MONTREAL GAZETTE; NORTH AMERICAN, 3 June 1851, PILOT, 3 June 1851, BATHURST COURIER, 6 June 1851, and OTTAWA CITIZEN, 7 June 1851. The following papers reported the debate in partially identical accounts: BRITISH WHIG, 30 May 1851, MORNING CHRONICLE, 30 May 1851, and MONTREAL TRANSCRIPT, 31 May 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; EXAMINER, 4 June 1851; and JOURNAL DE QUEBEC, 7 June 1851.
70. EXAMINER, 4 June 1851.
71. IBID.
72. BRITISH COLONIST, 30 May 1851.
73. IBID.
74. EXAMINER, 4 June 1851.
75. BRITISH COLONIST, 30 May 1851.
76. IBID.
77. EXAMINER, 4 June 1851.
78. BRITISH COLONIST, 30 May 1851.
79. EXAMINER, 4 June 1851.
80. IBID.
81. IBID.
82. IBID.
83. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, JOURNAL DE QUEBEC, 31 May 1851; MONTREAL

- GAZETTE, 2 June 1851, and BATHURST COURIER, 6 June 1851.
84. MONTREAL GAZETTE, 2 June 1851.
 85. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, and JOURNAL DE QUEBEC, 31 May 1851. The debate was also reported by BRITISH COLONIST, 30 May 1851.
 86. BRITISH COLONIST, 30 May 1851.
 87. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, and JOURNAL DE QUEBEC, 31 May 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; and MONTREAL GAZETTE, 2 June 1851.
 88. BRITISH COLONIST, 30 May 1851.
 89. BATHURST COURIER, 6 June 1851.
 90. BRITISH COLONIST, 30 May 1851.
 91. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 2 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by BRITISH COLONIST, 30 May 1851.
 92. BRITISH COLONIST, 30 May 1851.
 93. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, JOURNAL DE QUEBEC, 31 May 1851; MONTREAL GAZETTE, 2 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by BRITISH COLONIST, 30 May 1851.
 94. BRITISH COLONIST, 30 May 1851.
 95. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, JOURNAL DE QUEBEC, 31 May 1851; MONTREAL GAZETTE, 2 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by BRITISH COLONIST, 30 May 1851.
 96. BRITISH COLONIST, 30 May 1851.
 97. MONTREAL GAZETTE, 2 June 1851.
 98. IBID.
 99. The following papers reported the exchange on this question in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, JOURNAL DE QUEBEC, 31 May 1851; NORTH AMERICAN, 30 May 1851, EXAMINER, 4 June 1851; MONTREAL GAZETTE, 2 June 1851, BATHURST COURIER, 6 June 1851; MONTREAL GAZETTE, 2 June 1851, and MORNING CHRONICLE, 11 June 1851, which copied from MONTREAL GAZETTE. The debate was also reported by BRITISH COLONIST, 30 May 1851.
 100. MONTREAL GAZETTE, 2 June 1851.
 101. BRITISH COLONIST, 30 May 1851.
 102. MONTREAL GAZETTE, 2 June 1851.
 103. IBID.
 104. The following papers reported the exchange on this question in identical accounts: BRITISH WHIG, 30 May 1851, MORNING CHRONICLE, 30 May 1851; NORTH AMERICAN, 30 May 1851, EXAMINER, 4 June 1851; PILOT, 3 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; and MONTREAL GAZETTE, 2 June 1851.
 105. MONTREAL GAZETTE, 2 June 1851.
 106. IBID.

107. The following papers reported the exchange on this question in identical accounts: MONTREAL GAZETTE, 2 June 1851, MORNING CHRONICLE, 11 June 1851, which copied from MONTREAL GAZETTE; PILOT, 3 June 1851, and BATHURST COURIER, 6 June 1851. The following papers reported the debate in partially identical accounts: BRITISH WHIG, 30 May 1851, MORNING CHRONICLE, 30 May 1851, and MONTREAL TRANSCRIPT, 31 May 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; NORTH AMERICAN, 30 May 1851; EXAMINER, 4 June 1851; and LA MINERVE, 2 June 1851.
108. PILOT, 3 June 1851.
109. IBID.
110. The following papers reported the exchange on this question in identical accounts: NORTH AMERICAN, 3 June 1851, PILOT, 3 June 1851, and BATHURST COURIER, 6 June 1851.
111. NORTH AMERICAN, 3 June 1851.
112. IBID.
113. The following papers reported the exchange on this question in identical accounts: MONTREAL GAZETTE, 2 June 1851, NORTH AMERICAN, 3 June 1851, PILOT, 3 June 1851, and BATHURST COURIER, 6 June 1851.
114. MONTREAL GAZETTE, 2 June 1851.
115. IBID.
116. The following papers reported the exchange on this withdrawn motion in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, and JOURNAL DE QUEBEC, 31 May 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; NORTH AMERICAN, 30 May 1851; PILOT, 3 June 1851; EXAMINER, 4 June 1851; and JOURNAL DE QUEBEC, 5 June 1851, which also contained a commentary.
117. PILOT, 3 June 1851.
118. EXAMINER, 4 June 1851.
119. JOURNAL DE QUEBEC, 5 June 1851.
120. BRITISH COLONIST, 30 May 1851.
121. JOURNAL DE QUEBEC, 5 June 1851.
122. BRITISH COLONIST, 30 May 1851.
123. The following papers reported the debate on this withdrawn motion in identical accounts: MONTREAL GAZETTE, 29 May 1851, MONTREAL TRANSCRIPT, 29 May 1851, MORNING CHRONICLE, 30 May 1851, LA MINERVE, 30 May 1851, JOURNAL DE QUEBEC, 31 May 1851; NORTH AMERICAN, 30 May 1851, EXAMINER, 4 June 1851; MONTREAL GAZETTE, 2 June 1851, MORNING CHRONICLE, 11 June 1851, which copied from MONTREAL GAZETTE; PILOT, 3 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by: BRITISH COLONIST, 30 May 1851; and JOURNAL DE QUEBEC, 7 June 1851. A commentary appeared in MONTREAL GAZETTE, 2 June 1851.
124. NORTH AMERICAN, 30 May 1851.
125. PILOT, 3 June 1851.
126. IBID.
127. NORTH AMERICAN, 30 May 1851.
128. PILOT, 3 June 1851.
129. NORTH AMERICAN, 30 May 1851.
130. IBID.
131. PILOT, 3 June 1851.
132. IBID.
133. NORTH AMERICAN, 30 May 1851.
134. BRITISH COLONIST, 30 May 1851.
135. NORTH AMERICAN, 30 May 1851.
136. PILOT, 3 June 1851.
137. BRITISH COLONIST, 30 May 1851.

138. PILOT, 3 June 1851.
139. BRITISH COLONIST, 30 May 1851.
140. NORTH AMERICAN, 30 May 1851.
141. BRITISH COLONIST, 30 May 1851.
142. NORTH AMERICAN, 30 May 1851.
143. BRITISH COLONIST, 30 May 1851.
144. NORTH AMERICAN, 30 May 1851.
145. IBID.
146. PILOT, 3 June 1851.
147. NORTH AMERICAN, 30 May 1851.
148. BRITISH COLONIST, 30 May 1851.
149. PILOT, 3 June 1851.
150. BRITISH COLONIST, 30 May 1851.
151. PILOT, 3 June 1851.
152. BRITISH COLONIST, 30 May 1851.
153. IBID.
154. PILOT, 3 June 1851.
155. BRITISH COLONIST, 30 May 1851.
156. PILOT, 3 June 1851.
157. BRITISH COLONIST, 30 May 1851.
158. PILOT, 3 June 1851.
159. BRITISH COLONIST, 30 May 1851.
160. PILOT, 30 June 1851.
161. BRITISH COLONIST, 30 May 1851.
162. PILOT, 3 June 1851.
163. BRITISH COLONIST, 30 May 1851.
164. PILOT, 3 June 1851.
165. BRITISH COLONIST, 30 May 1851.
166. PILOT, 3 June 1851.
167. BRITISH COLONIST, 30 May 1851.
168. PILOT, 3 June 1851.
169. BRITISH COLONIST, 30 May 1851.
170. PILOT, 3 June 1851.
171. NORTH AMERICAN, 30 May 1851.
172. PILOT, 3 June 1851.
173. BRITISH COLONIST, 30 May 1851.
174. NORTH AMERICAN, 30 May 1851.
175. PILOT, 3 June 1851.
176. NORTH AMERICAN, 30 May 1851.
177. PILOT, 3 June 1851.
178. BRITISH COLONIST, 30 May 1851.
179. PILOT, 3 June 1851.
180. EXAMINER, 4 June 1851.
181. BRITISH COLONIST, 30 May 1851.
182. PILOT, 3 June 1851.
183. EXAMINER, 4 June 1851.
184. PILOT, 3 June 1851.
185. BRITISH COLONIST, 30 May 1851.
186. PILOT, 3 June 1851.
187. EXAMINER, 4 June 1851.
188. PILOT, 3 June 1851.
189. EXAMINER, 4 June 1851.
190. BRITISH COLONIST, 30 May 1851.
191. EXAMINER, 4 June 1851.
192. BRITISH COLONIST, 30 May 1851.

- 193. PILOT, 3 June 1851.
- 194. BRITISH COLONIST, 30 May 1851.
- 195. EXAMINER, 4 June 1851.
- 196. BRITISH COLONIST, 30 May 1851.
- 197. EXAMINER, 4 June 1851.
- 198. BRITISH COLONIST, 30 May 1851.
- 199. IBID.
- 200. EXAMINER, 4 June 1851.
- 201. IBID.
- 202. PILOT, 3 June 1851.

FRIDAY, 30 MAY 1851.

(36)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. DeWitt,--The Petition of P. Buchanan and
others, of the Township of Dundee, County of Beauharnois.

By Mr. Laurin,--The Petition of R.S. Noel, Esquire, and others, of the Coun-
ty of Lotbinière.

By Mr. Notman,--The Petition of George Samuel Wilkes, of the Town of Brant-
ford, and of Caira Robbins, his wife; and the Petition of the Municipality of
Dunwich.

By Mr. Armstrong,--The Petition of La Corporation des Clercs de St. Viateur;
and the Petition of Pierre Guibord and others, Censitaires, of the Parish of
St. Paul de Lavaltrie, County of Berthier.

By Mr. Fortier,--The Petition of Norbert Beliveau, of the Parish of St.
Grégoire, County of Nicolet; and the Petition of P.A.C. Munro, Esquire, M.D.,
and others, Physicians and Surgeons, Professors of the School of Medicine and
Surgery of Montreal.

By Mr. Scott of Two Mountains,--The Petition of William Morrin and others,
of the County of Two Mountains.

By Mr. Lemieux,--The Petition of the Reverend Jean Langevin and others, of
the Parish of Ste. Claire de Joliette, County of Dorchester; the Petition of
the Reverend F. Caron and others, of the Parish of St. Joseph de la Beauce, Coun-
ty of Dorchester; the Petition of N.L. Oliva and others, Censitaires and Free-
holders, of the Parish of Ste. Claire de la Beauce, County of Dorchester; the
Petition of Pierre Chassé and others, Censitaires and Freeholders of the Parishes
of St. Elzéar and St. Bernard de la Nouvelle Beauce, County of Dorchester; and
the Petition of L.O. Taschereau and others, Censitaires and Freeholders, of the
Parish of Ste. Marie de la Nouvelle Beauce, County of Dorchester.

By Mr. Wilson,--The Petition of James Rae and others, Councillors of the Town-
ship of Westminster.

By Mr. Lacoste,--The Petition of David Lantier and others, Censitaires, of
the County of Chambly.

By Mr. Stevenson,--Two Petitions of the Municipal Council of the County of
Prince Edward.

By the Honorable Mr. Boulton,--The Petition of Andrew Thompson, of the Town-
ship of Woodhouse, County of Norfolk; and the Petition of the Municipality of
Woodhouse.

By Mr. Dumas,--The Petition of Thomas Bedard, Esquire, of the Village of
L'Assomption.

By the Honorable Mr. Sherwood,--The Petition of Allan Macdonell and others;
and the Petition of Thomas Haworth and others, of Canada West.

MR. H. SHERWOOD¹ presented a Memorial from certain inhabitants of Toronto,
in favour of a line of Railroad from Lake Superior to the Pacific, asking for a
charter for such an enterprise, with power to obtain the surrender of lands from
the various Indian tribes occupying lands on the route. The memorialists pointed
out the vast commercial advantages that would be conferred on Canada and the
British Empire generally, by the construction of the proposed railroad, which would
divert the traffic between Europe and Asia from its present channels, and open
for settlement a tract of country which will otherwise remain unavailable for a
very long period. They proposed to bear the whole expenses of survey, &c., and
only sought at the legislature powers to obtain certain portions of the lands²,
60 miles in width³.

(36)

By Mr. Flint,--Three Petitions of the Municipal Council of the County of Hastings.

By Mr. Sauvageau,--The Petition of J. Bissonette and others, Censitaires, of the County of Huntingdon; and the Petition of Joseph Beaudin and others, Censitaires, of the Parish of St. Jacques le Mineur, County of Huntingdon.

By the Honorable Mr. Chabot,--The Petition of Lady S. Caldwell and others, the Ladies Committee of the Quebec Infant School.

By Mr. Fergusson,--The Petition of the Municipality of Guelph.

By Mr. Cartier,--The Petition of Sister M.R. Coutlée, Superior, and others, Sisters of Charity in charge of the General Hospital in the City of Montreal; and the Petition of the Bar of Lower Canada, Section of the District of Montreal.

By Mr. Prince,--The Petition of John Carey, of the Township of Toronto, County of York; the Petition of Henry Reynolds, Esquire, President, and Edwin Larwill, Secretary, in behalf of the County of Kent Agricultural Society; and the Petition of Donald Cameron, of Thorah.

By Mr. Ross,--The Petition of the Reverend John Cook, D.D., Minister, and others, Elders and Trustees of St. Andrew's Church, Quebec.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend N.T. Hébert and others, of the Parishes of St. Etienne de la Malbaie, St. Fidèle and Ste. Agnès; praying aid to open Roads for communication between the Parishes situated along the River Saguenay and those situated in the interior.

Of John Montgomery, of the City of Toronto, Hotel-keeper; representing the loss sustained by him by the destruction of his property in the year 1837, without any just cause for such destruction having been given on his part, and praying relief.

Of the Municipal Council of the County of Kent; praying for a certain amendment to the Municipal Council Act.

Of the Municipality of Bayham; praying that the said Township may be united to the County of Oxford for certain purposes.

Of Sister E. Bruyère and others, Nuns, on behalf of the Communauté des Révérendes Soeurs de la Charité at Bytown; praying for aid in support of their Hospital and Asylum in the said Town.

Of Joseph Deschamps and others, Censitaires, of the Parish of St. Timothée, County of Beauharnois; of Joseph A. Asselin, junior, and others, Censitaires, of the Parish of St. Zotique, County of Vaudreuil; of B. Holmes, Esquire, and others, Censitaires, of the Parish of St. Luc, County of Chambly; of Joseph Lalonde and others, Censitaires, of the Parish of Ste. Marthe, County of Vaudreuil; of G. Beaudet and others, Censitaires, of the Parishes of St. Clet and St. Ignace du Côteau du Lac, County of Vaudreuil; and of A.C. Cholet, Esquire, and others, Censitaires, of the Parish of Rigaud, County of Vaudreuil; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

(37)

Of R.B. Somerville, and others, of the Village of Huntingdon, and of certain Townships and Parishes in the County of Beauharnois; praying additional aid for the erection and maintenance of an Academy in the said Village.

Of P.A.C. Munro, Esquire, M.D., and others, Physicians and Surgeons of the City of Montreal; praying the amendment of the Act 8 Vic. cap. 81, so as to place Students in the School of Medicine and Surgery of Montreal upon an equal footing with those of McGill College, with regard to their examination by the Provincial Medical Board.

Of Michael Mahoney, Mayor, and John Stars, Secretary-Treasurer, on behalf of the Municipality of Ottawa Division Number Two; praying for the opening of a Road from Grenville to the Gatineau.

Of the Reverend S.L. Beaubien and others, of St. Thomas, County of L'Islet; praying a certain grant of money to complete a School-house for the education of girls in the said Parish.

Of the Council of Bishop's College at Lennoxville, Diocese of Quebec; praying the usual aid in support thereof.

Of Alexis Marchand and others, of the Parish of Saint François-Xavier de Bastican, County of Champlain; praying the passing of an Act granting indemnity to Jurors for their attendance in Courts of Justice in Lower Canada.

Of the Honorable A. Dionne, President, and others, Shareholders of the Society for the Colonization of L'Islet and Kamouraska, and others; praying aid to complete the route from Grande Baie to Lake St. John, and for the construction of Bridges thereon.

Of Messieurs Frothingham and Workman, and others, Merchants and Citizens of Montreal; praying for the construction of a Canal to connect the waters of the St. Lawrence with Lake Champlain.

Of John Young, Esquire, and others; praying for an Act of Incorporation authorizing the construction of a Railway connecting the Cities of Montreal and Kingston.

Of Ralph Merry, Esquire, and others, of the District of St. Francis; praying aid for the making of a Road from the outlet of Lake Memphramagog to the Town of Sherbrooke, and for the construction of bridges over certain streams along the main Eastern Townships Road.

Of the Municipal Council of the County of Quebec; praying that a certain sum of money be granted to the Quebec Turnpike Trust for the completion of certain Roads, according to the intention of the Act 12 Vic. cap. 115.

Of Jacob Ker and others, of the Township of Caistor; praying the passing of an Act to define the limits of Lots in the first and second Concessions of the said Township, and to establish the side lines throughout its whole extent.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying authority to levy a rate for the relief of the destitute poor.

Of the Municipal Council of the United Counties of Lincoln and Welland; representing that the sum of £1,095 has been paid out of the local funds by their predecessors, for expenses connected with the administration of Justice, although that sum was included in the Report of the Auditors appointed by the Government, and praying that such action may be taken thereon as may appear just and necessary.

Of Angus Kennedy, Captain in the Second Glengary Regiment of Militia, on behalf of himself and part of the Company under his command during the late war with the United States; praying grants of land for their services during the said war.

Of the Municipal Council of the County of Kent; praying for the passing of an Act to provide for the Union of the Counties of Kent and Lambton, for certain purposes.

Of the British American Fire and Life Assurance Company; praying a certain amendment to the Act 6 Will. 4, cap. 20, amending their Charter.

Of the Company of Proprietors of the Champlain and St. Lawrence Railroad; praying authority to construct two certain Branch Roads and a Bridge in connection with the said Railroad, and for certain other powers, and amendments to their Charter.

Of G. Marchand and others, members of the Academy of St. John, and others; praying a grant of money in aid of the said Academy.

Of George Rolph, of the Town of Dundas, Esquire; praying that the privileges and advantages mentioned in the Act incorporating the "Sydenham Mountain Road Company" may be confirmed to him.

Of the Reverend A. Beaudry and others, of the Parishes of St. Etienne de la Malbaie, St. Fidèle, and Ste. Agnès; praying aid to construct a Wharf and Landing-place for the said Parishes.

Of the Municipal Council of the County of Haldimand; praying the passing of an Act to authorize the appropriation of a due amount of Statute labor to the improvement of Roads running between Townships.

Of the Municipal Council of the County of Haldimand; praying authority to close up so much of Ottawa Street in the Town of Cayuga, as lies between Echo and Victoria Streets.

Of G. Tourangeau and others, sufferers by the great Fires at Quebec; praying certain amendments to the Acts for the relief of the sufferers by the said Fires.

Of François Lapointe and others, Branch Pilots for and below the Harbour and Port of Quebec; praying that the Pilots of Quebec be not incorporated as petitioned for.

Of Milton Ragland, of the City of Toronto; praying the passing of an Act to enable him to hold real estate in this Province.

Of C.H. Lassiseraye; praying that the balance due to him as principal Teacher of the Education Society of Three Rivers may be granted him.

Seigniorial
Tenure.

Ordered, That the Petition of Urbain Beaudet and others, of the Parish of St. Jean les Chaillons; the Petition of the Reverend Joseph Crevier and others, of the Parish of St. Pie, County of St. Hyacinthe; and the Petition of C.F. de Montigny, Esquire, and others, Censitaires of the Augmentation of the Seigniority of Mille-Isles, County of Terrebonne, be referred to the Select Committee on Seigniorial Tenure in Lower Canada.

Ordered, That the said Committee have leave to report by Bill or otherwise.

Petition of Dr.
Painchaud and
others referred.

Resolved, That the Petition of Joseph Painchaud, Esquire, and others, Physicians and Surgeons, of the District of Quebec, be referred to a Select Committee composed of the Honorable Mr. LaTerrière, the Honorable Mr. Badgley, Mr. Bouthillier, Mr. Taché, Mr. Fortier, Mr. Davignon, and Mr. Nelson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Petition of J.
Morency and
others, referred.

Resolved, That the Petition of Joseph Morency and others, Pilots for the Port of Quebec, be referred to a Select Committee composed of Mr. Taché, Mr. Letellier, Mr. Fournier, Mr. Ross, Mr. Cauchon, and the Honorable Mr. Chabot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Petition to be
printed.

(38)

Ordered, That the Petition of Urbain Beaudet and others, of the Parish of St. Jean les Chaillons, be printed for the use of the Members of this House.

Message from the
Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Duty on For-
eign Timber.

Mr. Speaker,

The Legislative Council have agreed to the Address to Her Majesty on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, by filling up the blank with "Legislative Council and:" And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, requesting His Excellency to transmit the joint Address to The Queen on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, to Her Majesty's Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, to which they desire the concurrence of this House:

To His Excellency The Right Honorable James Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Canada in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

On motion of Mr. Malloch, seconded by Mr. Sherwood of Brockville,

Duty on For-
eign Timber.

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, by filling up the blank with the words "and Commons."

Ordered, That Mr. Malloch do carry the said Message to the Legislative Council.

Leave of ab-
sence.

Ordered, That Mr. Egan have leave to absent himself from this House for six weeks, on urgent private business.

Public
Debt.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, Statements relating to the Public Debt of the Province of Canada, to 31st January, 1851.

Appendix (H.)

For the said Statements, see Appendix (H.)

Blue Books.

And also, The Blue Books for the years 1848, 1849, and 1850.

Bill abolishing
Imprisonment
for Debt,
(U.C.).

Ordered, That the Honorable Mr. Boulton have leave to
bring in a Bill for abolishing imprisonment for
Debt in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

MR. MACKENZIE⁴, in moving for an Address to his Excellency, for certain returns relative to the Court of Chancery, blamed the Government for having neglected to furnish returns on this subject, which were moved for last Session by the member for Essex, and were then ordered by the House.⁵ The Court of Chancery was involved in mystery⁶. The matter is one of deep importance to a large body of suitors, and no reluctance ought to be shown to the presentation of such information as he and others desired to obtain.⁷ The present system was as the old. The hon. member was proceeding with remarks, when he was interrupted with noises.⁸ In illustration, he cited the case of Land Scrip, respecting which no information had been produced; and went on to state, that he had been informed in the Crown Lands Office, that Scrip was open now in Lower Canada⁹, and expressed the hope that the present motion if carried, might have more attention paid to it by the Government than others had had.¹⁰

DR. SMITH (Wentworth) seconded the motion.¹¹

MR. COM. CR. LANDS PRICE bellowed a denial¹².

MR. AT. GEN. LAFONTAINE¹³ said the hon. member [Mr. Mackenzie] might have had more regard to the House than to make a rambling speech like that he had done¹⁴, and recommended him to confine his remarks more closely to the objects of his motion.¹⁵ His speeches would be better fitted for other places than the House, and ... he had made false statements with reference to Lower Canadian Militia Scrip having advantages over Upper Canadian.¹⁶

MR. MACKENZIE replied that he was asking for information; and¹⁷ said that all he had stated with reference to Militia Scrip of Lower Canada, was that information had been asked for¹⁸ and its production [had] not [been] opposed by the government, but it had not been produced¹⁹ in answer to an address of the House. It was not rambling, when moving an address, to hope that it would meet with more attention than another had done.²⁰

MR. COM. CR. LANDS PRICE said, that the hon. member wished to convey in his speech that scrip was kept open in Lower Canada, while it was not in Upper Canada.²¹

MR. MACKENZIE denied it.²²

MR. COM. CR. LANDS PRICE had so understood his Speech; and further, had seen the same thing asserted in a letter over the signature of William Lyon Mackenzie in the newspapers, every word of which was false,²³ untrue in its quotations of his (Mr. Price's) words, and untrue in its conclusions²⁴ commenting upon a speech of ... his (Mr. P.'s) in the House.²⁵ The members should recollect that if he persist, day after day, in perpetrating falsehoods, no respect whatever can be paid to his speeches or motions on any subject.²⁶ He went onto [sic] condemn the hon. member for Haldimand for making numbers of motions for information, which were perfectly useless, and which would cost the country an immense sum of money, and swell the appendices of the journals to three times their usual bulk.²⁷ The present motion involved some points that could not be attended to, others that would be of no use whatever²⁸. The only object of the hon. member was to get returns on all kinds of subjects for the purpose of gaining pop-

ularity in the country.²⁹

MR. MACKENZIE said he got his information from a Clerk in the Land Office.³⁰

MR. COM. CR. LANDS PRICE--Name him.³¹

COL. PRINCE thought it highly improper that a member should be called upon to name any Government Clerk from whom confidential information had been derived.³²

MR. INSP. GEN. HINCKS said if a Clerk gave false information, his name ought to be given.³³

MR. MACKENZIE said he was unacquainted with the name of the Clerk from whom he obtained his information.³⁴

MR. ROSS rose, ... with a copy of the Examiner newspaper in his hand. He asked the hon. member for Haldimand if he were the writer of a letter contained in it, over his signature?³⁵

MR. MACKENZIE [gave] an affirmative reply.³⁶

MR. ROSS read a passage from Mr. Mackenzie's letter in the Examiner of Wednesday last,³⁷ respecting the debate on the Trust and Loan Company's Act, stating that he had exposed midnight legislation and turned public attention to this foreign monopoly. He (Mr. R.) contended that there had been no midnight legislation; and³⁸ accused Mr. Mackenzie of having made false statements ... when he knew them to be false, having heard them contradicted in the House.³⁹ Such statements as this were not to be tolerated; if continued it would be due to the dignity of this house to interfere to prevent such statements being made by any one out of this house and especially by a member of it.⁴⁰

It was stated incidentally by the member for Haldimand, MR. MACKENZIE, that a person who had been employed 13 weeks in the preparation of returns, had not been paid for his labour.⁴¹

MR. AT. GEN. BALDWIN explained that the person alluded to was told that the labour in question was optional, and that he would not be paid if the House did not call for the returns.⁴² The individual in question had been told by the government almost immediately after he had commenced, to stop, as it was not likely the house would persist in demanding the information.⁴³ The person at whose motion the House called for the information, had afterwards stated that he did not want it, and the Government forthwith discharged the person employed to copy it.⁴⁴ The gentleman went on to express the readiness of Government to furnish all information that is available and useful, but objected to the expenditure of public money in mere useless labour.⁴⁵ Sometimes when motions for addresses were passed for information, it became impossible to furnish it, for various reasons not foreseen when the motion was granted. The department might not have it, or it might cost such a sum of money to procure it, that was not contemplated by the mover. In that case, the ministry were justified in not bringing it down before consulting the mover, and obtaining, if possible, his consent to dispense with it. The grievances the hon. member referred to, he would find, were of this character.⁴⁶ With regard to the motion before the House, he made no objection to it, provided it were amended in some respects, which he pointed out.⁴⁷

MR. INSP. GEN. HINCKS said the member for Haldimand was disappointed at finding that his motion would not be opposed by the Government, and had therefore made sweeping charges, which were altogether untrue.⁴⁸ [He] showed that an address for information from his department had been passed on the 3d August, and

that the House was prorogued on the 9th, so that there was not time to bring down a return to the address.⁴⁹ The gentleman read a passage from Mr. Mackenzie's letter in the Examiner, relating to⁵⁰ an alleged statement of Mr. Merritt⁵¹. The following is the paragraph from Mr. Mackenzie's letter, ... Mr. Merritt, your former representative, and lately a member of the cabinet, stated in the house on Thursday last, that responsible government, as in use here, had proved one of the most expensive governments on the continent of North America, and that the government is far more expensive now than those of the two Canadas before 1841: speaking of 1843-'44, he remarked that "the system of corruption had not then got to its full extent."⁵² Now the hon. member for Haldimand had heard Mr. Merritt's denial of that⁵³ on Monday night,⁵⁴ and yet afterwards he wrote the charge in a newspaper. When they saw such a statement as that, deliberately written after a denial, what faith could be placed in any statement [sic] that the writer might make?⁵⁵

MR. MACKENZIE said he would write what he pleased. He had been expelled from the House five times for doing so⁵⁶, and he should not be driven from his course if he were to be expelled ten times more.⁵⁷ If he chose to write anything that was unjust or untrue, either towards the Government or any individual member of the House, he and the newspaper publishing what he wrote might be prosecuted. But the House had no control over any newspaper or letter that he chose to write; and if the Government and the House were wise, they would not attempt to revive a censorship which existed 20 years ago, but would not be tolerated in the present day.⁵⁸ He had written as he had understood Mr. Merritt, and besides in that same paper there was a report of the hon. member's explanation that came from the reporter's gallery, in larger type than his letter. Surely that should have been sufficient, had his version been incorrect.... He was of opinion that the House would do much better to attend to the business of the country, than writings in the newspapers--that might safely be left to the Attorney General and Courts of Law.⁵⁹

MR. H. SHERWOOD conceived that the expulsion of a member only tended to invest him with improper importance; but he (Mr. S.) nevertheless maintained the right of the House to express an opinion as to the propriety of⁶⁰ what was written in newspapers by hon. members of the House; but he thought if hon. members did make statements which were not true, it was proper that their untruth should be exposed, in order that the influence of such statements should be lessened as much as possible. He condemned the practice of going privately to members of the House who had obtained addresses for returns, and obtaining leave from them to keep back information which had been asked for by the House. The House itself ought to dispense with returns which the House had asked for, or the returns ought to be sent down. A single member could not dispense with an order of the House.⁶¹ He thought that the Government had acted very improperly in withholding [sic] the returns that were ordered last session, on the motion of the member for Essex.⁶²

MR. AT. GEN. BALDWIN explained, that he had meant to state, if he had not so stated, that of course he understood the House should be informed of the fact of returns to addresses not being brought down from the reasons he had given.⁶³

MR. H. SHERWOOD asked if the statement had been made through the Speaker, in the case in question.⁶⁴

MR. AT. GEN. BALDWIN said he had made it in his place.⁶⁵ A certain portion of the information desired was furnished, and that other portions were withheld last session simply because it was impossible within a short period to prepare them.⁶⁶

MR. INSP. GEN. HINCKS said that in three of the cases there had not been time to procure it.⁶⁷

COL. PRINCE exonerated the Government from any imputation of impropriety, and explained that the returns for which he had moved were sought for with a view to sustain his motion for the abolition of the Court of Chancery; and when that motion was negatived very decidedly, he thought that it was unnecessary and wrong to press for returns which would entail upon the country considerable expense.⁶⁸ He (Col. Prince) had consented that that answer should not be made, and he remembered the Attorney General had mentioned this matter to the House.⁶⁹ He also exonerated the member for Haldimand from all blame in having called for the information.⁷⁰

The motion as amended by Mr. At. Gen. Baldwin, was then agreed to.⁷¹

(38)

On motion of Mr. Mackenzie, seconded by Mr. Smith of Wentworth,

Court of Chan-
cery.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will give the necessary directions to the Reg-

istrar, Clerks, and other accounting Officers or Receivers in the Court of Chancery, to furnish to this House, 1st, a Return of the aggregate amounts of all the funds in the said Court, and subject to the control thereof, on the first day of April last, namely, the aggregate of all funds deposited in Bank or in Trust and Loan Companies, or invested in Stocks, Mortgages and other Securities, and all other funds and property under control of said Court; the said Return to shew, in separate and distinct items, the names of all the estates, heirs, owners, claimants, suitors, wards, minors, and parties claiming and interested in the said funds, and for what purpose the same are held, whether in trust or otherwise, and the precise amounts of principal, interest and accumulation, and whether the said funds are all properly secured, and so that those under whose more immediate direction they are may not waste or misapply them, to the injury of the widows, orphans, infants and others concerned: the said Return, also, to shew in the same manner, all such funds, to the said date, as were placed in the said Court, and under its control, by virtue of any rules, orders or decisions of the late Vice-Chancellor, the Honorable R.S. Jameson, or of the Officers of his Court, and to specify whether any, and, if so, what part thereof belong to parties unknown to the Court, or who have made no claim during the six years ending on said first day of April: 2nd, a Return shewing the nature and extent of security that is given by Institutions and Officers entrusted with the control, management, or use of the funds in Chancery.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.⁷²

MR. MACKENZIE moved that an humble address be presented to His Excellency, for a list of any Rectories that may have been established during the last sixteen years, and copies of the respective authorities required by the 31st Geo. 3, Cap 31, Sec. 38, under which they may have been established; also, a List of Rectors who have heretofore been presented to Rectories; and a List of any deaths, retirements, or removals or such Incumbents, and of the times and authorities for the presentation of any successors to those incumbents, together with their names. He went on to show how information was kept back,⁷³ [and] cited several other addresses of the House for information on different

subjects to which no return had been granted.⁷⁴ He mentioned Mr. Perry's motion last year for a return of the grants made to religious bodies which had not been answered.⁷⁵ This was too bad. When the house called for information, and when the government offered no objection it was reasonable to suppose that the information would be forth coming.⁷⁶ He then taunted Mr. Price with being in a passion, and hoped they would continue to get into a passion so readily. The hon. gentleman and he had been acquaintances for many years, and the hon. gentleman had been once one of the first agitators in the Province, but had suddenly changed his character very much; the whole philosophy of which change was to be found in two lines--

"As settling on flowers, bees cease to hum;
So settling on places, Whigs grow dumb."

Talking about getting in a passion, however, reminded him of the correspondence between the Chancellor of the Toronto University, the Hon. P.D. De Blaquiére, and⁷⁷ the canny Scotchman who styles himself "John Bishop of Toronto".⁷⁸ Doctor Strachan, Bishop of Toronto, struggled hard for many years to render the University of King's College an exclusive institution for the Episcopal Church, and when he failed tried to set up another⁷⁹ [and] announced the revival of the agitation on the Clergy Reserves, but he (Mr. Mackenzie) paid little heed to one who in his correspondence with the Hon. P.H. De Blaquiére had displayed such a want of courtesy and christian feeling⁸⁰ which he pronounced anything but seemly for men of so much dignity. The one was a brother of a Lord, the other the head of the Episcopal Church. Here the hon. member, amid general laughter, cited some expressions from the Bishop of Toronto's letter to Mr. De Blaquiére.⁸¹ On the 7th of Jan. 1851, he wrote to Mr. DeBlaquiére, Chancellor of the University now in existence, speaking of "your secular and ecclesiastical charter as a Church University;" and in reply to a request for a copy of its intended charter, adds, that he would give one "so soon as you favour me with a correct copy of the slanderous document of ten or twelve pages which you presented sometime ago to the Senate of the University of Toronto, and likewise an authentic copy of the violent and abusive speech with which you were pleased to introduce it." Again, Bishop Strachan wrote Mr. DeBlaquiére, Jan. 11 -- "you preferred for reasons not difficult to be understood, to abstain from applying the same insulting and offensive language to the same statements publicly made by others, who professed to speak, as you well know, the sentiments of the whole religious community, who looked upon the Godless character of the Toronto University in no other light than I did, and described it in no other terms." * * *

"It may accord with your sense of candid, as well as gentlemanly dealing, to describe any paper written in November, the charter of the Toronto University as undeserving of the character which I had ascribed to it in the month of June preceding, and to found upon comparison a charge of falsehood against the Bishop of your church." * * * "You have disavowed having introduced the paper which in itself was insulting towards me, by observations which were equally offensive." On the 7th of Nov. 1850, the Senate of the University had addressed Lord Elgin on the untruthfulness of a document put forth in London, June 12, asking aid to an exclusive University. They say, "The principal reasons assigned (by the Bishop) are that the University of Toronto, expressly excludes from the University religious instruction according to any form of doctrine whatever, prohibiting any form of prayer, or any act of public worship, and disqualifying any graduate from the University who may have taken Holy Orders for admission into any order in the Senate." And the Institution is designated as anti-Christian and impious. "The Senate denies the truth of these assertions,

and on behalf of Upper Canada, repels them as slanderous."

On Jan. 13, 1851, Chancellor DeBlaquiere replies to Bishop Strachan, in a letter in the Toronto Globe, thus:

"I was not the originator of the slanderous accusations--they originated in a pamphlet promulgated by the bishop of Toronto, while in England, and were directed not only against the character of the University of Toronto, but involved that of three ministers of religion, (two of them of the Church of England, and Professors of the University,) and of every one else connected with the Institution, including myself as Chancellor, who, it is to be presumed, was pointed at as presiding over a Godless and anti-Christian Institution."⁸² Those expressions were from the head of a christian church, that taught the doctrines of christian forbearance and good will, and to the brother of a Lord.⁸³ His Lordship, albeit, a teacher of meekness, holiness, and goodness, belaboured [sic] the Chancellor of the University in terms that would do no discredit to Billingsgate.⁸⁴ That was a nice example for a christian bishop to set his flock. When such a dignitary as this, and hon. gentlemen before him, set the example,⁸⁵ surely, then, he⁸⁶, a little, plain, poor old man, might be forgiven a little temper, and he thought that if he were schooled for want of manners, these hon. gentlemen, and the hon. Commissioner for Crown Lands, ought to go to school to learn manners too.⁸⁷ He hoped the government would not lose its temper; it was hardly worth while to get angry with an old man like him. The hon. gentleman gave them a very amusing admonition on the propriety of keeping their tempers and succeeded in putting the house into very good humour.⁸⁸ He was, however, independent, and should adhere to a straightforward course, notwithstanding all the opposition that might be presented to him.⁸⁹ He was accused of popularity-hunting, and certainly the man who had but two years ago had his very life jeopardised in this city⁹⁰ so ... that he could not go into the house of a relative without getting his windows broken⁹¹ had need to look for a little popularity. (Laughter.)⁹² The accusation came with ill grace from the Member for the first Riding of York, who but the other day was an adept in the art of political agitation. Before getting into office, the hon. and learned Attorney General for Canada West, and the Inspector General, denounced in the strongest terms the whole system of Reserves and Rectories; but having obtained possession of the sweets and honours of office, they changed their tactics⁹³. He then reverted to the Inspector General and the Examiner of 1839⁹⁴. When the hon. Inspector General was Editor of the Examiner he was a capital agitator; in proof of which he (Mr. Mackenzie) read⁹⁵ certain extracts about a "bloated Church, Archbishops, bishops, and perhaps tithes and glebes," and then, after citing the horror of the Inspector General the other night at the chances of a breach of faith, read a further extract from the Examiner while under that gentleman's management, in which were comments upon the proposal to apply the capital of the Clergy Reserves to make highways, taking the tolls to pay the interest to ministerial different denominations. The Examiner remarked "Let the roads be made, time will show whether the people would allow money raised from tolls to be appropriated to the sectarian purposes." That was the way the gentleman agitated when out of power.⁹⁶ But office had made the Ministry dumb--and they wanted to make him dumb. They were very good agitators before the last election; but now the member for the First Riding of York had undertaken to read him a lecture on the way in which he ought to conduct himself. When he saw that office had made so great a change in that gentleman, he thought the country would lose very little if he (Mr. Price) was not sent back to this house at the next election.⁹⁷ Mr. Mackenzie afterwards quoted an address to the people of Upper Canada, signed by the hon. Robert Baldwin, D. Cameron, and others just upon the eve of the last election, demanding an enquiry into the management of King's

College. That enquiry had been made at a cost of \$7000; and now the result could not be obtained. When gentlemen got into power, they were just as much inclined as their predecessors to keep every thing in the dark, and why? Because he understood, if published, it would expose corruption to an extent which would astonish every one.⁹⁸ On the question of calling for information he referred to the motion of Hume and Lord Northrup who called for information and, Lord Castlereigh resisted; the mover and seconder divided the house for twelve hours, from seven o'clock at night till seven next morning, when Castlereigh yielded and gave the information. It was spread over the whole country; exposing a system of corruption at which the English mind revolted; the Government which had stood for sixty years was shaken to its centre, and soon had to resign. There was in this seeking information more than people were aware of.⁹⁹ He wanted ... information now about the Rectories.¹⁰⁰ The Rectories were in existence, and he (Mackenzie) wanted to know all about the authority under which they were created.¹⁰¹

MR. H. SHERWOOD said that a return of a similar nature to that asked for by the hon. member for Haldimand was made in 1836, and would be found in the Journals. That return gave a list of the Rectories--the legal opinions of the law officers concerning the establishment of them,--the nature of the various parties holding them, and the lands forming these rectories; and he was not aware that any new rectories had been made in addition to the 27. He had no objection, however, that Government should give the information sought for.¹⁰²

MR. MORRISON stated that as one of the Commissioners of the University, he had done his utmost for the last fifteen months to get a return from the Commissioner of the Senate. But the Government have no authority to give that information; it devolved entirely upon the Senate, and they had hitherto stifled all attempts to get any information of their proceedings.¹⁰³ Although their expenditure had been enormous¹⁰⁴, the responsibility rested with that body.¹⁰⁵

The motion was carried.¹⁰⁶

(38)

On motion of Mr. Mackenzie, seconded by Mr. Smith of Durham,

Rectories.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a List of any Rectories that may have been established during the last sixteen years, and copies of the respective authorities required by the 31st Geo. 3, cap. 31, sec. 38, under which they may have been established; also, a List of the Rectors who have heretofore been presented to Rectories, and a List of any deaths, retirements, or removals of such Incumbents, and of the time and authorities for presentation of any successors to those Incumbents, together with their names.

(39)

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. H. SHERWOOD¹⁰⁷ seconded by MR. INSP. GEN. HINCKS, moved for leave to bring in a bill to modify the Usury Laws.¹⁰⁸ He [Mr. H. Sherwood] explained that this bill would assimilate the law to that of England. It would permit any amount of interest to be taken on Commercial Paper, but private lenders on real property not to receive more than six per cent.¹⁰⁹

(39)

Interest of
Money Laws
Amendment Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to amend the Laws concerning the Interest of Money.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Chancery De-
crees and Or-
ders Bill,
(U.C.).

Ordered, That Mr. Prince have leave to bring in a Bill to confirm Decrees and Orders of the Court of Chancery in Upper Canada, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth of June next.

Witnesses at-
tendance Bill.

Ordered, That Mr. Sherwood of Brockville have leave to bring in a Bill to authorize and enforce the attendance of Witnesses in civil cases from any part

of this Province before the Courts of Superior Jurisdiction.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Court of
Queen's Bench
Act Amend-
ment Bill,
(U.C.).

Ordered, That the Honorable Mr. Attorney General La-Fontaine have leave to bring in a Bill to amend the Act establishing the Court of Queen's Bench for Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to
Lands and
Tenements.

An engrossed Bill to facilitate the leasing of Lands and Tenements, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cayley do carry the Bill to the Legislative Council, and desire their concurrence.

Deceased Per-
sons Estates
Bill.

The Order of the day for the second reading of the Bill for the better administration of the Estates of Deceased Persons, being read;

Ordered, That the Bill be read a second time, on Monday next.

Criminal Law
Amendment
Bill.

The Order of the day for the second reading of the Bill for the further amendment of the administration of Criminal Law, being read;

Ordered, That the Bill be read a second time, on Monday next.

Bill relating to
Judgments of
Commissioners
Courts, (L.C.).

The Order of the day for the second reading of the Bill to render executory the Judgments of Commissioners Courts in Lower Canada, being read;
The Bill was accordingly read a second time; and

committed to a Committee of the whole House, for Monday next.

Good Order
Bill.

The Order of the day for the second reading of the
Bill to amend the Act of Lower Canada passed for the
better preservation of Good Order in Churches and places
of Public Worship, being read;

Ordered, That the Bill be read a second time, on Monday next.

Then, on motion of Mr. DeWitt, seconded by the Honorable Mr. Price,
The House adjourned until Monday next.

APPENDIX: 30 MAY 1851.

[NOTICE OF ADDRESS RE: PROTECTION OF CANADIAN PRODUCTS.]¹¹⁰

MR. CAYLEY gave notice of the following Address to the Queen, for Wednesday, 11th June:--

"We, Your Majesty's dutiful and loyal subjects, the Commons of Canada, beg to assure Your Majesty, that the system of moderate protection to Colonial products, in the markets of Great Britain, which formerly obtained an Imperial sanction, was the chiefest source of prosperity to this Province,--that the removal of protection from Canadian Wheat and Flour by recent Legislation, has proved a serious check to agriculture, industry, and labour; and the contemplated removal of existing duties on the importation of foreign Timber into the ports of Great Britain, threatens still further to injure Canadian interests. It is unnecessary to enlarge upon a favorable market in Great Britain for Colonial products--and the serious [sic] disadvantage under which they labor from the all but prohibitory duties imposed by the neighbouring States, on imports from Canada, we, therefore, humbly and earnestly pray your Majesty to take the above facts into your favorable consideration, in order to continue the advantages as yet retained by the Colonies in the British markets; and to restore that protection generally to Canadian products, which was formerly enjoyed by them, and avert the injury which must inevitably ensue, should the boon now humbly sought for be denied."¹¹¹

[NOTICE OF MOTION RE: LAND FOR FOREIGNERS.]¹¹²

COL. PRINCE gave notice of a bill to enable foreigners to hold land in fee simple in this Province.¹¹³

[NOTICE OF MOTION RE: A RETURN OF NAMES OF MEMBERS ON MEDICAL BOARD.]¹¹⁴

MR. H. BOULTON gave notice of a motion for a return of the names of the gentlemen who have sat on the Medical Board of Upper Canada since the last session of Parliament, distinguishing those who are professors of the University from others.¹¹⁵

[NOTICE OF MOTION RE: A RETURN CONCERNING THE CLERGY RESERVES FUND.]¹¹⁶

MR. MACKENZIE gave notice that he will on Wednesday next move for¹¹⁷ a return--in continuation of one made in 1849--of all receipts and expenditure in connection with the Clergy Reserve fund.¹¹⁸

[NOTICE OF MOTION RE: HALIFAX AND QUEBEC RAILROAD.]¹¹⁹

SIR A. MACNAB gave notice of motions for the production of documents relating to the Halifax and Quebec Railroad¹²⁰.

[NOTICE OF MOTION RE: ARSON BILL.]¹²¹

SIR A. MACNAB gave notice of [a motion] ... for an act to extend the provisions of the act relating to the offence of arson¹²².

[NOTICE OF MOTION RE: BROCK MONUMENT.]¹²³

SIR A. MACNAB gave notice of a bill to exempt from personal liability, those who may undertake the duty of constructing Brock's Monument¹²⁴, and to provide for the future care of the same¹²⁵.

[NOTICE OF MOTION RE: ADDRESS ON TRINITY COLLEGE CHARTER.]¹²⁶

SIR A. MACNAB gave notice of an address to His Excellency for a copy of the Charter of Trinity College¹²⁷, [and] to incorporate sundry persons under the name of Trinity College, and to enable them to hold real and personal property for the purposes of the said college.¹²⁸

[NOTICE OF QUESTION RE: COMMISSION ON 1837-8 REBELLION.]¹²⁹

MR. H. SHERWOOD gave notice of an inquiry relating to the Commission appointed to report on the losses sustained by Lower Canada, during the Rebellion of 1837-8, and to the payment of claims preferred before the commissioners.¹³⁰

FOOTNOTES: 30 MAY 1851.

1. The following papers reported this petition in identical accounts: BRITISH WHIG, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851. The debate was also reported by: LA MINERVE, 2 June 1851; and EXAMINER, 4 June 1851.
2. BRITISH WHIG, 3 June 1851.
3. EXAMINER, 4 June 1851.
4. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 31 May 1851, MORNING CHRONICLE, 31 May 1851, BRITISH WHIG, 31 May 1851, MONTREAL TRANSCRIPT, 31 May 1851; BRITISH WHIG, 3 June 1851, NORTH AMERICAN, 3 June 1851, and BATHURST COURIER, 6 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 3 June 1851, and PILOT, 3 June 1851. The debate was also reported by: MONTREAL GAZETTE, 3 June 1851; EXAMINER, 4 June 1851; MORNING CHRONICLE, 7 June 1851, copied from BRITISH COLONIST, 3 June 1851; and LA MINERVE, 2 June 1851. Commentaries appeared in MONTREAL GAZETTE, 3 June 1851; and MORNING CHRONICLE, 7 June 1851, copied from BRITISH COLONIST, 3 June 1851.
5. BRITISH WHIG, 3 June 1851.
6. BRITISH COLONIST, 3 June 1851.
7. BRITISH WHIG, 3 June 1851.
8. BRITISH COLONIST, 3 June 1851.
9. MONTREAL GAZETTE, 3 June 1851.
10. BRITISH COLONIST, 3 June 1851.
11. BRITISH WHIG, 3 June 1851.
12. MONTREAL GAZETTE, 3 June 1851.
13. According to MONTREAL GAZETTE, 3 June 1851, Lafontaine got up: "putting on that fearful scowl with which he sometimes gives a small man warning that he intends to browbeat him, sprung to the floor...."
14. BRITISH COLONIST, 3 June 1851.
15. BRITISH WHIG, 3 June 1851.
16. MORNING CHRONICLE, 7 June 1851, copied from BRITISH COLONIST, 3 June 1851.
17. MONTREAL GAZETTE, 3 June 1851.
18. BRITISH COLONIST, 3 June 1851.
19. MONTREAL GAZETTE, 3 June 1851.
20. BRITISH COLONIST, 3 June 1851.
21. IBID.
22. IBID.
23. IBID.
24. BRITISH WHIG, 3 June 1851.
25. BRITISH COLONIST, 3 June 1851.
26. BRITISH WHIG, 3 June 1851.
27. BRITISH COLONIST, 3 June 1851.
28. BRITISH WHIG, 3 June 1851.
29. BRITISH COLONIST, 3 June 1851.
30. BRITISH WHIG, 3 June 1851.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. MORNING CHRONICLE, 7 June 1851, copied from BRITISH COLONIST, 3 June 1851.
36. IBID.
37. BRITISH WHIG, 3 June 1851.
38. EXAMINER, 4 June 1851.

39. BRITISH COLONIST, 3 June 1851.
40. EXAMINER, 4 June 1851.
41. BRITISH WHIG, 3 June 1851.
42. IBID.
43. EXAMINER, 4 June 1851.
44. MONTREAL GAZETTE, 3 June 1851.
45. BRITISH WHIG, 3 June 1851.
46. BRITISH COLONIST, 3 June 1851.
47. EXAMINER, 4 June 1851.
48. BRITISH WHIG, 3 June 1851.
49. BRITISH COLONIST, 3 June 1851.
50. BRITISH WHIG, 3 June 1851.
51. BRITISH COLONIST, 3 June 1851.
52. MORNING CHRONICLE, 7 June 1851, copied from BRITISH COLONIST, 3 June 1851..
53. BRITISH COLONIST, 3 June 1851.
54. BRITISH WHIG, 3 June 1851.
55. BRITISH COLONIST, 3 June 1851.
56. BRITISH WHIG, 3 June 1851.
57. EXAMINER, 4 June 1851.
58. BRITISH WHIG, 3 June 1851.
59. BRITISH COLONIST, 3 June 1851.
60. BRITISH WHIG, 3 June 1851.
61. BRITISH COLONIST, 3 June 1851.
62. BRITISH WHIG, 3 June 1851.
63. BRITISH COLONIST, 3 June 1851.
64. IBID.
65. IBID.
66. BRITISH WHIG, 3 June 1851.
67. EXAMINER, 4 June 1851.
68. BRITISH WHIG, 3 June 1851.
69. BRITISH COLONIST, 3 June 1851.
70. EXAMINER, 4 June 1851.
71. BRITISH WHIG, 3 June 1851.
72. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 2 June 1851, MORNING CHRONICLE, 2 June 1851, BRITISH WHIG, 2 June 1851, MONTREAL TRANSCRIPT, 3 June 1851; BRITISH WHIG, 3 June 1851, NORTH AMERICAN, 3 June 1851, and BATHURST COURIER, 6 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 3 June 1851, and PILOT, 3 June 1851. The debate was also reported by: MONTREAL GAZETTE, 3 June 1851; EXAMINER, 4 June 1851; and LA MINERVE, 2 June 1851. A commentary appeared in MONTREAL GAZETTE, 3 June 1851.
73. BRITISH COLONIST, 3 June 1851.
74. EXAMINER, 4 June 1851.
75. BRITISH COLONIST, 3 June 1851.
76. EXAMINER, 4 June 1851.
77. BRITISH COLONIST, 3 June 1851.
78. BRITISH WHIG, 3 June 1851.
79. EXAMINER, 4 June 1851.
80. BRITISH WHIG, 3 June 1851.
81. BRITISH COLONIST, 3 June 1851.
82. EXAMINER, 4 June 1851.
83. BRITISH COLONIST, 3 June 1851.
84. BRITISH WHIG, 3 June 1851.
85. BRITISH COLONIST, 3 June 1851.

86. BRITISH WHIG, 3 June 1851.
87. BRITISH COLONIST, 3 June 1851.
88. EXAMINER, 4 June 1851.
89. BRITISH WHIG, 3 June 1851.
90. IBID.
91. BRITISH COLONIST, 3 June 1851.
92. EXAMINER, 4 June 1851.
93. BRITISH WHIG, 3 June 1851.
94. BRITISH COLONIST, 3 June 1851.
95. EXAMINER, 4 June 1851.
96. BRITISH COLONIST, 3 June 1851.
97. EXAMINER, 4 June 1851.
98. BRITISH COLONIST, 3 June 1851.
99. EXAMINER, 4 June 1851.
100. BRITISH COLONIST, 3 June 1851.
101. EXAMINER, 4 June 1851.
102. BRITISH WHIG, 3 June 1851.
103. IBID.
104. BRITISH COLONIST, 3 June 1851.
105. MONTREAL GAZETTE, 2 June 1851.
106. IBID.
107. The following papers reported this motion in identical accounts:
MONTREAL GAZETTE, 2 June 1851, MORNING CHRONICLE, 2 June 1851, BRITISH WHIG, 2 June 1851, and MONTREAL TRANSCRIPT, 3 June 1851. The debate was also reported by: PILOT, 3 June 1851; EXAMINER, 4 June 1851; and LA MINERVE, 2 June 1851.
108. EXAMINER, 4 June 1851.
109. MONTREAL GAZETTE, 2 June 1851.
110. The following papers reported this notice in identical accounts:
MONTREAL GAZETTE, 31 May 1851, MORNING CHRONICLE, 31 May 1851, BRITISH WHIG, 31 May 1851, and MONTREAL TRANSCRIPT, 31 May 1851. The debate was also reported by LA MINERVE, 2 June 1851.
111. MONTREAL GAZETTE, 31 May 1851.
112. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, PILOT, 3 June 1851, BRITISH COLONIST, 3 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by EXAMINER, 4 June 1851.
113. BRITISH WHIG, 3 June 1851.
114. This notice was reported by: MONTREAL GAZETTE, 3 June 1851; and EXAMINER, 4 June 1851. MONTREAL GAZETTE, 3 June 1851, also carried a commentary on this matter.
115. EXAMINER, 4 June 1851.
116. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, PILOT, 3 June 1851, BRITISH COLONIST, 3 June 1851, and BATHURST COURIER, 6 June 1851. The debate was also reported by EXAMINER, 4 June 1851.
117. EXAMINER, 4 June 1851.
118. BRITISH WHIG, 3 June 1851.
119. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851.
120. BRITISH WHIG, 3 June 1851.

121. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851.
122. BRITISH WHIG, 3 June 1851.
123. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851.
124. PILOT, 3 June 1851.
125. BRITISH WHIG, 3 June 1851.
126. The following papers reported this notice in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851. The debate was also reported by EXAMINER, 4 June 1851.
127. EXAMINER, 4 June 1851.
128. BRITISH WHIG, 3 June 1851.
129. The following papers reported this question in identical accounts: BRITISH WHIG, 3 June 1851, MONTREAL GAZETTE, 3 June 1851, NORTH AMERICAN, 3 June 1851, BATHURST COURIER, 6 June 1851; PILOT, 3 June 1851, and BRITISH COLONIST, 3 June 1851. The debate was also reported by JOURNAL DE QUEBEC, 7 June 1851 in two accounts, one of which was a commentary on the question.
130. BRITISH WHIG, 3 June 1851.

MONDAY, 2 JUNE 1851.

(39)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. DeWitt,--The Petition of the Reverend William Squire and others, Ministers of the Wesleyan Methodist Church in Canada East, assembled in District Meeting at the City of Montreal; and the Petition of A. Henderson, Esquire, and others, of the Township of Godmanchester, and others, County of Beauharnois.

By Mr. Hall,--The Petition of the Reverend Robert S.C. Taylor, M.A., Rector, and others, Churchwardens of St. John's Church in the Town of Peterborough; the Petition of the Municipal Council of Peterborough; the Petition of David Thornton, of the Township of Emily; and the Petition of James Laidly, of the Township of Emily.

By Mr. Lacoste,--The Petition of the Reverend P.M. Mignault, Founder of the College of Chambly; and the Petition of F.X. Cochu, of the District of Montreal, Student at Law.

By Mr. Mackenzie,--The Petition of the Municipal Council of the County of Haldimand.

By the Honorable Mr. Robinson,--The Petition of D'Alton McCarthy, of the Town of Barrie.

By the Honorable Mr. Badgley,--The Petition of Mrs. Catherine Smyth, of the City of Montreal, widow of the late Honorable George Pyke; and the Petition of Philip Durnford and others, of Montreal.

By Mr. Jobin,--The Petition of the Reverend A. Duranseau and others, of the Parish of St. Michel de Lachine, County of Montreal.

By Mr. Bell,--The Petition of the Municipality of the Township of Drummond; the Petition of the Municipality of the Town of Perth; the Petition of Charles Sparrow and others, Directors and Trustees of the House of Refuge in Bytown; the Petition of Thomas Ferguson and others, of the eighth concession of the Township of Edwardsburgh; and the Petition of William Bacon, of the Village of Ogdensburgh, State of New York, Merchant.

By Mr. Taché,--The Petition of Paul Kane, of the City of Toronto, Artist; and the Petition of Louis Dutremble and others, Censitaires, of the Parish of Ste. Flavie.

By Mr. Chauveau,--The Petition of Charles N. Montizambert, Esquire, Registrar of Deeds for the County of Quebec; the Petition of the Right Reverend the Bishop of Bytown, and others the Roman Catholic Clergy, and others, of Bytown and its vicinity; and the Petition of the Right Reverend the Bishop of Bytown, and others the Roman Catholic Clergy, and others, of Bytown, in behalf of "La Communauté des Révérendes Soeurs de la Charité" at Bytown.

By Mr. Letellier,--The Petition of Alexis Rivard and Joseph Garon, Esquires, of the County of Rimouski; and the Petition of Samuel Bradley and others, of the Parishes of St. Germain, Ste. Luce, Ste. Flavie and Metis, County of Rimouski.

By the Honorable Mr. Price,--The Petition of Thomas Helliwell and others, Trustees of the Toronto General Burying Ground; the Petition of the Municipal Council of the United Counties of Wentworth and Halton; and the Petition of Adam C. Stevens, Alexander Stevens, and Joseph Stevens, sons of the late Aaron Stevens, of the Township of Niagara, County of Lincoln.

By Mr. Ross,--The Petition of William Smith Sewell, Esquire, Sheriff of the District of Quebec, and others.

By the Honorable Mr. Hincks,--The Petition of the Town Council of the Town of Brantford.

(40)

By the Honorable Mr. Cayley,--The Petition of the Honorable Christopher Widmer, M.D., and others, of the City of Toronto.

By Mr. Holmes,--The Petition of the Montreal Ladies' Benevolent Society.

By Mr. Solicitor General Macdonald,--The Petition of the Municipal Council of the United Counties of Stormont, Dundas and Glengary.

Petitions read.

Pursuant to the Order of the day, the following

Petitions were read:--

Of P. Buchanan and others, of the Township of Dundee, County of Beauharnois; representing the damage done to their Lands in consequence of the construction of the Dam, by the Board of Works, at the entrance of the Beauharnois Canal, and praying relief.

Of R.S. Noel, Esquire, and others, of the County of Lotbinière; praying aid to rebuild the Gaspard Bridge in the Parish of Ste. Croix.

Of George Samuel Wilkes, of the Town of Brantford, and of Caira Robbins, his wife; praying authority to dispose of certain property, notwithstanding certain legal objections thereto which now exist.

Of the Municipality of Dunwich; praying that the County of Middlesex may be divided by the east and west line, as contemplated in the Bill to be proposed by the Government.

Of La Corporation des Cleres de St. Viateur; praying for a certain aid.

Of Pierre Guibord and others, Censitaires, of the Parish of St. Paul de Lavaltrie, County of Berthier; of the Reverend F. Caron and others, of the Parish of St. Joseph de la Beauce, County of Dorchester; of N.L. Oliva and others, Censitaires and Freeholders, of the Parish of Ste. Claire de la Beauce, County of Dorchester; of Pierre Chassé and others, Censitaires and Freeholders, of the Parishes of St. Elzéar and St. Bernard de la Nouvelle Beauce, County of Dorchester; of L.O. Taschereau and others, Censitaires and Freeholders, of the Parish of Ste. Marie de la Nouvelle Beauce, County of Dorchester; of David Lantier and others, Censitaires, of the County of Chambly; of J. Bissonette and others, Censitaires, of the County of Huntingdon; and Joseph Beaudin and others, Censitaires, of the Parish of St. Jacques le Mineur, County of Huntingdon; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial tenure in Lower Canada.

Of Norbert Beliveau, of the Parish of St. Grégoire, County of Nicolet; praying indemnification for loss sustained by him in the burning of his house by incendiaries, on account of the performance of his duties as Assessor for the said Parish.

Of P.A.C. Munro, Esquire, M.D., and others, Physicians and Surgeons, Professors of the School of Medicine and Surgery of Montreal; praying the usual aid in behalf thereof.

Of William Morrin and others, of the County of Two Mountains; praying for the passing of an Act to promote the construction of a Main Trunk Railway, by the line of the Ottawa River, connecting the Cities of Montreal and Kingston.

Of the Reverend Jean Langevin and others, of the Parish of Ste. Claire de Joliette, County of Dorchester; praying aid to repair the Bridge over the River Etchemin opposite to the Church of the said Parish.

Of James Rae and others, Councillors of the Township of Westminster; praying that any Bill proposing a northern and southern division of the County of Middlesex may not pass into law.

Of the Municipal Council of the County of Prince Edward; praying certain amendments to the Common School Act.

Of the Municipal Council of the County of Prince Edward; praying a certain amendment to the Municipal Corporation Act 12 Vic. cap 81.

Of Andrew Thompson, of the Township of Woodhouse, County of Norfolk; praying for the passing of an Act granting to him a portion of a certain concession line or roadway, to enable him to use a certain stream of water for purposes of Mills and manufacturing in the Town of Port Dover.

Of the Municipality of Woodhouse; taking notice of the last preceeding Petition, and praying that the prayer thereof may be acceded to.

Of Thomas Bedard, Esquire, of the Village of L'Assomption; praying an investigation of certain complaints against the Crown Lands Department of the years 1844, 1845 and 1847, and that a Commission be appointed for that purpose.

Of Thomas Haworth and others, of Canada West; praying the passing of an Act to incorporate them under the style and title of "The Western Insurance Company."

Of the Municipal Council of the County of Hastings; praying that the Municipal Council Act may be so amended as to direct that all monies collected for County purposes may be paid to the County Treasurer.

Of the Municipal Council of the County of Hastings; praying certain amendments to the Assessment Law.

Of the Municipal Council of the County of Hastings; praying an extension of time for grants of Tolls on Plank or Macadamized Roads constructed under the authority of Municipal Councils.

Of Lady S. Caldwell and others, the Ladies Committee of the Quebec Infant School; praying the usual aid in behalf thereof.

Of the Municipality of Guelph; praying that the Clergy Reserve Question may be finally settled during the present Session.

Of Sister M.R. Coutlée, Superior, and others, Sisters of Charity in charge of the General Hospital in the City of Montreal; praying the annual aid in behalf thereof.

Of the Bar of Lower Canada, Section of the District of Montreal; praying the adoption of means more equitable than that now in force for levying the amount required to erect the Court House in the City of Montreal.

Of Allan Macdonell and others; setting forth the great advantages which would result from the opening of a Highway across the Continent of America, westward of Lake Superior, thereby establishing a short route to the possessions of India, as well as other Asiatic Marts, and praying that a Charter be granted to them for that purpose.

Of John Carey, of the Township of Toronto, County of York; representing the damage done to his property in the construction of the West Toronto Road, and of the unjust delay and final award of the Trustees of the said Road with reference thereto, and praying compensation and relief in the premises.

Of Henry Reynolds, Esquire, President, and Edwin Larwill, Secretary, in behalf of the County of Kent Agricultural Society; praying that the said Society be declared to be the Society of the said County, and may enjoy all the privileges and advantages thereof.

Of Donald Cameron, of Thorah; praying for the adoption of certain measures to obtain for him and his followers the issue of Deeds of Lands for which they have received Location Tickets.

Of the Reverend John Cook, M.D., Minister, and others, Elders and Trustees of St. Andrew's Church, Quebec; praying aid in behalf of the School in connexion with the said Church.

Seigniorial
Tenure.

Ordered, That the Petition of G. Beaudet, Esquire, and others, Censitaires, of the Parishes of St. Clet

(41)

and St. Ignace du Côteau de Lac, County of Vaudreuil, and all other Petitions on the subject of the Seigniorial Tenure in Lower Canada (which have not already

been referred,) received by this House up to this day inclusive, be referred to the Select Committee on Seigniorial Tenure in Lower Canada.

Petitions referred.

Ordered, That the Petition of William Morrin and others, of the County of Two Mountains; the Petition of Thomas Haworth and others, of Canada

West; the Petition of the Woodstock and Lake Erie Railway and Harbour Company; the Petition of John Rolph, Esquire, and others, Licentiates in Medicine; the Petition of Milton Ragland, of the City of Toronto; the Petition of John Young, Esquire, and others; and the Petition of the Company of Proprietors of the Champlain and St. Lawrence Railroad, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of P.A.C. Munro, Esquire, M.D., and others, Physicians and Surgeons, of the City of Montreal, be referred to the Select Committee to which was referred the Petition of Joseph Painchaud, Esquire, and others, Physicians and Surgeons, of the District of Quebec.

Resolved, That the Petition of the Bar of Lower Canada, Section of the District of Quebec, be referred to a Select Committee composed of the Honorable Mr. Chabot, the Honorable Mr. Badgley, Mr. Prince, Mr. Polette, Mr. Smith of Frontenac, Mr. Cartier, and Mr. Ross, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of François Lapointe and others, Branch Pilots for and below the Harbour and Port of Quebec, be referred to the Select Committee to which was referred the Petition of Joseph Morency and others, Pilots for the Port of Quebec.

First Report of Committee on Printing.

Mr. Holmes, from the Standing Committee on Printing, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee, in obedience to the Instruction of Your Honorable House, have taken into their careful consideration the most efficient and economical mode of distributing copies of the Journals for the information of the Public.

The exact expense of additional copies of the Journals and Appendices cannot be ascertained, owing to the uncertain quantity of matter which they may be found, at the close of a Session, to contain; but Your Committee have prepared a Statement shewing the expense of such additional copies, taking, for example, the quantities in the volumes of the several Sessions since the Union of the Provinces, as follows:--

In the Sessions of 1842 and 1848 the Journal and Appendix formed but one volume of about 500 pages, the expense of additional copies of which would be,

	s.	d.
For Press work	1	10½
For Paper, 5 quires, double crown	3	9
For Binding, as per present Contract	2	3
	7	10½

In the Session of 1841 and 1844 they were formed of two volumes containing about 900 pages, and would cost per set,

	s.	d.
For Press work	3	9
For Paper, 9 quires	7	1½
For Binding, 2 volumes	4	6
	15	4½

In the Session of 1850 they were formed of three volumes, containing about 1450 pages, and would cost per set,

	s.	d.
For Press work	5	7 $\frac{1}{2}$
For Paper, 14 $\frac{1}{2}$ quires	10	10 $\frac{1}{2}$
For Binding, 3 volumes	<u>6</u>	<u>9</u>
	23	3

In the Sessions of 1847 and 1849 they were composed of four volumes, containing about 1700 pages, and would cost per set,

	s.	d.
For Press work	7	6
For Paper, 17 quires	12	9
For Binding, 4 volumes	<u>9</u>	<u>0</u>
	29	3

Your Committee are of opinion that no mode of distribution would be so acceptable to the public as that to the several Municipalities throughout the Province; they have therefore ascertained the exact number of the same at present by Law erected, which is as follows:--

<u>In Lower Canada.</u>	
Counties and divided Counties	39
<u>In Upper Canada.</u>	
Counties	20
Cities	3
Towns	13
Villages	6
Townships	<u>292</u>
	<u>334</u>
Total,	373

The expense of that number of additional copies, supposing the Journal and Appendix to form but one volume, as in 1842 and 1848, would be

	£146	17	4 $\frac{1}{2}$
If composed of two volumes, as in			
1841 and 1844, would be	286	16	11 $\frac{1}{2}$
If composed of three volumes, as			
in 1850, would be	429	8	11
If composed of four volumes, as in			
1847 and 1849, would be	545	10	3

Your Committee might here remark that, should it be considered advisable, a reduction of two-thirds in the price of the Binding of each volume might be made, in substituting paste-board and paper covers in lieu of the present Binding in leather.

In conclusion, Your Committee beg leave, after mature deliberation upon the subject matter of the Instruction from Your Honorable House, to report, as their opinion, that it is expedient to print one copy of the Journals and Appendices for the use of each County, Township, City, Town, and Village Municipality, in Canada, that is to say: the Journals and Appendices, commencing with the present Session, exclusive of so much of the Appendices of said Session as would have to be reprinted,--said volumes to be distributed under the superintendence of the Clerk of Your Honorable House,--the Journals as soon as

printed, and the Appendices when completed; the copies for each County to be sent to the County Clerk to be by him delivered to the several Municipalities within his County.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be committed to a Committee of the whole House, for Thursday next.

(42)

Message from the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

West Gwillimbury Old Survey Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township of East Gwillimbury in the County of York;" to which they desire the concurrence of this House.

And then he withdrew.

West Gwillimbury Old Survey Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township of York," was read for the first time; and ordered to be read a second time to-morrow.

On motion of Mr. Letellier, seconded by Mr. Cauchon,

Hudson's Bay Company.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to order that copies be transmitted to this House of all Titles, Leases, or Concessions made in favor of the Hudson's Bay Company, which are now in force, and of all Correspondence between the Government and the said Company since 1848.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Execution of Judgments (L.C.) Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to facilitate the execution of Judgments in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MACKENZIE¹--who had given a lengthy notice on the subject of the Public Debt, and Banks--said that since then the Government had sent down ample accounts with regard to the public debt; and he therefore confined his motion to the procuring of the periodical returns from the chartered Banks, Insurance institutions, and Savings Banks of the Province.²

MR. DEWITT seconded the motion.³

Agreed to.⁴

(42)

On motion of Mr. Mackenzie, seconded by Mr. DeWitt,

Banks and
Insurance
Companies.

Ordered, That the Officers connected with the several Chartered Banks, Savings Banks, and Insurance Companies in Canada, including the Canadian Branches of the Bank of British North America, do lay before this House the Statements of the Affairs of the said Banks and Insurance Companies, as required by their several Acts of Incorporation.

On motion of Mr. Mackenzie, seconded by Mr. DeWitt,

Public
Deposits.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement shewing the amount of Cash at the credit of the Government of Canada, or of the Receiver General thereof acting on its behalf, in the various Banking or other Institutions holding public deposits in and out of Canada, including the Agents or Brokers who transact the business of the Province in Europe; and whether interest is payable to Government on any of the public deposits, and if so, in what cases, and under what rate of arrangement.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Debtors Effects
Attachment
Bill (L.C.).

Ordered, That Mr. McConnell have leave to bring in a Bill to enable Creditors to attach the effects of Debtors about to leave this Province in cases under Ten pounds.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to
Interments.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to prevent Interments in Buildings used for Public Worship.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Division Court
and General
Fee Fund.

Mr. Mackenzie moved, seconded by Mr. DeWitt, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the names of the Division Court Judges, their salaries, and the amount of fees and fines raised in the several Divisions; also, the amount of the General Fee Fund, and of all monies received and disbursed under authority of Sections 16 and 17 of the Division Court Act of last Session, and stating in detail the manner in which all such monies have been appropriated, whether under authority of the said Act, or of previous enactments, and, if so, what enactments, for and during the two years ending with the last fiscal quarter:

Pensions. A copy of the several Orders in Council and other authorities under which the following Pensions are severally annually paid out of the public revenue of Canada, and stating the nature of the services respectively performed, and the number of years during which each of the said Pensions have been paid, viz:--Thomas Talbot, £444 8s. 8d; R. H. Thornhill, £125; James Fitzgibbon, £300; James Nation, £125; George Hamilton,

£150; Thomas Amyot, £444 8s. 10d; G.H. Ryland, £50; B. Tierney, £100; Reverend R.R. Burrage, £111 2s. 0d; Lucy Rolette, £83 6s. 8d; J.G. Chewitt, £150; Mrs. Rottot, £40; Jane Livingston, £55 11s. 0d; Mrs. Caron (2 $\frac{1}{4}$ years), £187 10s. 0d; Sophia Shaw, £111 2s. 0d; Julie H.M. Bedard, £173 4s. 8d. (at £125 per annum); also, this year, of a second Pension to George H. Ryland of £100 Sterling, a year, on which a payment of £611 2s. 2d. appears to have been recently made:

Monies paid to
T. Harrington.

Also, an Account in detail of the expenditure of £9871 5s. 5d., stated in the Public Accounts of 1849 and 1850, to have been paid to Thomas Harrington, viz:--£3772 5s. 5d., £200, £500, and £5399, shewing the balance in said Harrington's hands at the close of the fiscal year 1848, the balance at the close of the fiscal year 1850, and

Indian Annuities, &c.

the purposes to which the said monies applied and to whom paid: A Statement, in detail, of the expenditure of £5000, less £800 refunded, paid without the special authority of law to W.B. Robinson, Esquire, a Member of the Legislative Assembly, to be by him distributed among the Indians on Lake Superior: and a Return shewing to whom the payments were severally made of £6655, stated in page 20 of last year's Public Accounts to have been paid for "Indian Annuities," for or during the year ending on the 30th September last;⁵

MR. MACKENZIE understood the government intended to oppose his motion, as they determined not to disclose the facts he sought, regarding the pensions.⁶ These returns (he said) were highly necessary, in order that the people may be acquainted with the management of their funds.⁷ The ministry were opposed to a bill introduced by the member for Norfolk to prevent the granting of pensions. Now he thought some information was required about these pensions which amounted to £4,000. There were several lists of pensions, and he wanted to know all about them⁸ when he found that 40,000 dollars a year are expended in pensions⁹, of which no account had been given to the house¹⁰, and this sum does not include the whole. Again, he found that under the head "Contingencies," \$10,000 had been asked for and expended--how did not appear.¹¹ On the public accounts too, he found there were several payments to Mr. Harrington, and¹² £5,000 had been paid to the hon. gentleman who represents the county of Simcoe, and there was no detail telling what was done with it.¹³ He wanted to know what it was that this money was intended for. Besides these, there was a fee fund, out of which the Judges were paid, and especially a fee fund out of which the Division Court Judges were paid, who had all sorts of salaries under £500, as the Ministry pleased. But this was not the difficulty. He understood he was to be opposed on account of the pension to a Mr. G.H. Ryland, about whom there had been a great deal of noise in the papers.¹⁴ Mr. Ryland, ... for some years received £50 a year, as Secretary of the Jesuits Estates--probably on the same ground that a salary was formerly paid to a Protestant Clergyman, as Chaplain of the Jesuits¹⁵; though all the jesuits were dead long before he was born.¹⁶ By and by, it seems this Mr. Ryland claimed "pensions due," and actually received £600 from the Government. Now on what ground had this person been placed upon the pension list?¹⁷ The government wanted to withhold [sic] it, and that was one of the reasons why they intended to oppose his motion.¹⁸ It would be remembered for instance, that there was a certain Mr. Coffin who was a Sheriff of Montreal, and that it was proposed by another gentleman named Aylwin to chisel him out of his place in order to chisel Mr. Ryland in. But before going any further he would read an extract from the writing of a gentleman, whom he used formerly to look up to as a sort of patron--he meant the Inspector General.-- Here the member read from the Examiner during the time it was under Mr. Hincks' management, a passage, in which it was stated that "the human blood-suckers would never be satisfied," and "that the more they were gorged with the blood of Upper Canada, that was to say with Clergy Reserves, pensions, incomes, &c., the

more repacious they became and the more difficult to kill."--(Laughter.) He read some other similar extracts, and went on to say that the £6000 which he saw set down to the account of Mr. Ryland, seemed to be something in the line of this paragraph. He then read extracts from a speech of Mr. Baldwin's during the period he represented Hastings, on the subject of pensions to Mr. Ogden and Mr. Daley.--He said that to grant these pensions would be degrading to the province; but surely if this were degrading in 1842, it must certainly be equally so in 1848.¹⁹ And if so, he ought to be dragged before the Province. On the other hand, his claim might be valid; if it were, there could be no objection to the production of information relating to it.²⁰ The member then went over the names of several pensioners, from the list in the Parliamentary returns. Among these was one ... Thomas Talbot,²¹ a very wealthy man, who for thirty years has received a very handsome sum yearly²², which he saw was stated in different ways; by the Inspector General, £444; by the Governor General £500, sterling.²³ What had he done for it? He had got a large grant of land for his services, whatever they were, and he ought not to be saddled upon the country without a reason.²⁴ He continued to speak of the pension granted to Mr.²⁵ James Fitzgibbon²⁶ of which he said he would say nothing except by way of reference to the Inspector General. When Mr. Fitzgibbon made a claim for £1000, that was opposed by the Inspector General, who declared he had no claim whatever. What claim had he then to £300 per annum?²⁷ An explanation was also needed of the claims proposed by Messrs. Thornhill ... and others, who have respectively received pensions for years past, and many of whose claims were disputed by members of the present Ministry, before they had tasted the sweets of office. Was it right that²⁸ Chancellor Jamison²⁹ should be shelved, with a handsome pension³⁰ of £3000 per annum³¹ which he had not earned³² [while] there were three other Judges put upon the Bench, the last of whom had always been a tory³³, and that Mr. Spragge--a staunch Tory, and a zealous stickler for Dr. Strachan's Church University--should become a recipient of a large sum for doing Mr. Jamieson's work? He was driven to speak of these things by the obstinate refusal of the Government to grant information on these subjects, notwithstanding the cry of the people throughout Upper Canada for sweeping retrenchment. The member for Waterloo lately charged the Government with giving all good offices to Tories, and the accusation really seemed to be true. Look at the Judiciary; not a Liberal is to be found upon the Bench; for, although Judge Sullivan was called a Reformer, he (Mr. M'K.) could not consider that a man who was connected with [the] Bond Head Administration had any solid claim to the title. Clergymen figured in the pension list³⁴; how was this? The government had a clergy reserve fund for paying clergymen, and they paid them liberally; but he could not understand how it was that they were pensioned out of the general fund of the province.³⁵ His attention had been particularly attracted to this subject, however, by the Inspector General's observations in the Pilot, on the case of Mr. Ryland, and the celebrated letter from Mr. Aylwin to his colleagues about the "Ancient chiseller, [sic]" &c. What he now wanted, however, was information; and he could see no reason why it should be refused.³⁶ He said when he sought information on the subject of the pensions, the government complained that he was giving them trouble, and taking up the time of the house; but it was they who took up the time of the house, by making him speak on a subject on which he desired not to have spoken.³⁷ He was determined to investigate these matters, and should continue to do so, notwithstanding all opposition. Mr. M'K. made some remarks on the salaries paid to Judges of Division Courts, and on the indefinite nature of the public returns on this subject³⁸.

MR. INSP. GEN. HINCKS disclaimed any desire on the part of the Government to withhold any information that can be of use to the public³⁹ as was charged upon

them by the member.⁴⁰ The member for Haldimand had already been told that no objection whatever would be made to many of the returns for which he moved; and if the House desired returns in any other matter, the Government had no objection to their production. If the House wished to have⁴¹ the accounts of Mr. Harrington for every detail of such expenses as⁴² every hundred of quills and every quire of paper that might be required for the departments entered in the published accounts, the Government would see that it was done⁴³. All the accounts of Mr. Harrington were audited, and there was no desire in any quarter to waste the public money⁴⁴, but it was presumed that on matters of this kind the House had confidence in those who have the management of public affairs. The Government had no secrets in any branch of public expenditure, and as an individual he was prepared to stand by all that he and his colleagues had done. Much had been done. Much had been said about a payment to the hon. member for Simcoe, and he therefore felt bound to state that that gentleman was entrusted--without any application on his part or that of his friends--with a difficult and an important duty with regard to the Indians; and⁴⁵ he (Mr. H.) was glad to have an opportunity to bear witness to the fact that⁴⁶ the Government were satisfied that the hon. gentleman had discharged his duty in a manner highly honourable to himself, and highly advantageous to the public⁴⁷ in settling the Indian difficulties.⁴⁸ He stated that Mr. R. was chosen although he was opposed to the Government, because he was deemed well fitted for the duty, and the Government felt thankful to him for the manner in which it was done. Then as to the authority upon which the claims were paid, he had only to inform the member that the Government were bound to do so by treaties. He stated that the Government were ready to give any information with regard to any branch of the contingencies.--The member went on to refer to the subject of pensions.⁴⁹ The member for Haldimand talked as though some great secrets and corruption existed in the matter of pensions. Did he pretend to forget that an Act of the Legislature is in existence, placing at the disposal of the Executive a certain sum annually to be paid in pensions? What more did he want to know on this point? He (Mr. Hincks) had been taunted with his old opinions on this subject⁵⁰ in the Examiner in the year 1848,⁵¹ and from those opinions he did not shrink. He thought that circumstanced as the member for Haldimand was, it would be well to forget the past; but he (Mr. H.) was not frightened by a reference to any former act or declaration of his.⁵² He ... was willing to stand by what he had written, and the passage the member had cited was analagous to the case he applied to it, nor did it apply to any of the pensioners on the list.⁵³ Who granted these pensions? Not the present administration. Nearly every one of the pensions that had been referred to had been granted before the Union of the Provinces; only a very small portion of the list had been created since. Was it meant that pensions formally granted and long enjoyed should now be annulled? If so, he and his colleagues were prepared to resist such a proposition under any circumstances, however unpopular their course might be⁵⁴, and [he] would stand by that opinion without considering whether his constituents should re-elect him again or not.⁵⁵ He would never be a party to any measure that would break public faith with parties who have retired from public life, relying on the granting of pensions by the Crown. (Hear, hear.)⁵⁶

MR. MALLOCH--If they were properly given.⁵⁷

MR. INSP. GEN. HINCKS--He disapproved of the pension given to Mr. Talbot, but neither he nor his colleagues could be held responsible for a grant that took place thirty years ago.⁵⁸

MR. H. SHERWOOD--Granted out of the casual territorial revenue of the time.⁵⁹

MR. INSP. GEN. HINCKS--Yes,⁶⁰ the member had mixed up Mr. Fitzgibbon's and Mr. Ryland's claims, when they had no reference whatever to each other.--Mr. H. then went on to treat of Mr. Ryland's claim,⁶¹ whose name had been dwelt upon. He (Mr. H.) believed that no man acquainted with Mr. Ryland's case could do otherwise than sympathize with him. He had been utterly ruined by having surrendered a lucrative office, on the expectation that the Governor General of the day would have placed him in another situation. He was put on the pension list for £100 a year, which was withheld on his appointment to a situation⁶², Registrar of Montreal⁶³. It was afterwards ascertained that Mr. Ryland realized nothing by his office, and his case afterwards came under the consideration of the Government of the Province.⁶⁴ Mr. Ryland's case had been before the government four or five years; and⁶⁵ all the Government had done⁶⁶ acting under the law,⁶⁷ was to give him the pension back again, as its claim was so strong.⁶⁸ He (Mr. H.) was opposed to the granting of pensions, but he was equally prepared to maintain the public faith.⁶⁹ There was a sum of £5,000 laid aside for the payment of these, and the Government had done nothing illegal in paying them.⁷⁰ He concluded by stating again in general terms that the Government was willing to give any information with reference to the contingencies that the House might require.⁷¹

MR. H. SHERWOOD asked in what year the £100 was given to Mr. Ryland? Was it before he had been appointed Registrar of Quebec?⁷²

MR. INSP. GEN. HINCKS could not state precisely.⁷³

MR. H. SHERWOOD gave some details with reference to Mr. Ryland's pension. The pension had been settled upon Mr. R. by Lord Sydenham, at least such was his impression; and that the Ministry of which he was a member, had only given a pension of £100, to make up a salary of £500, promised by Lord Sydenham to Mr. Ryland.⁷⁴

MR. CHRISTIE went into some explanations relative to ... the pensions for persons living in Lower Canada, and showing the reasons for their being granted.⁷⁵

COL. PRINCE apprehended the object of the hon. member for Haldimand was not to get rid of these pensions; if he did he would have his (Mr. Prince's) decided opposition. He held that a pension once granted should never be withdrawn. He defended Col. Talbot's pension, and contended that that gentleman had rendered very great services to his country, and to the early and late emigrants.⁷⁶ The member for Haldimand certainly made a mistake when he said that the Judiciary is essentially Tory. There might be a brace of Tories in the Court of Chancery, but⁷⁷ certainly Chancellor Blake was a good hearty red hot radical--the most radical of any member of the House, except himself, (Col. Prince) who went for independence. Chancellor Blake, too, was not one of the most ancient Chisellers [*sic*]; but was certainly one of the ablest of modern Chissellers [*sic*], for he had chiselled himself into £1200 a-year after being a good radical throughout his entire public life--for three months, and not longer. (Laughter.)⁷⁸

MR. INSP. GEN. HINCKS begged to explain that he had no intention to cast the slightest imputation upon Col. Talbot⁷⁹. It might be that he deserved his pension; but it was inconvenient to discuss things so long gone by in this desultory manner.⁸⁰ [He] moved the erasure of the part of the motion inquiring for the details of the ... [money] which had been paid to Mr. Harrington.⁸¹

MR. MACKENZIE refused to submit to any modification of his motion, which merely sought for information on a matter of vital importance. He came fresh from the people, and had the satisfaction of knowing that his course, however unpalatable in the House, was highly approved by them.⁸² But he did not wish

to have a detail of the accounts; he only wished to be informed what the money had been paid for, the purpose for which certain pensions had been granted, and for how long.⁸³

MR. CHRISTIE could see no object to be gained by withholding any information; but suggested to the member for Haldimand that the better course would be to withdraw his motion⁸⁴. The Committee of accounts would soon sit, and through that Committee he would be able to ascertain all that he could want to know.⁸⁵

MR. MACKENZIE would not comply.⁸⁶ He had looked into that matter last year, and he found none of the information he wanted.⁸⁷ We have Responsible Government, for which he worked at a very early day; and if the system does not work well, he was determined that the public should know who were to blame.⁸⁸

MR. CHRISTIE said when the committee find the account of any person right they do not always enter his name; but they satisfy themselves.⁸⁹

MR. CAYLEY was in favour of complying with the motion, which contained nothing likely to make any Government blush. If it were rejected, a prejudice would be raised against the House and the Ministry, who would be accused of desiring to hide their proceedings.⁹⁰

MR. CAUCHON objected to the motion as bunkum, designed for no other purpose than to manufacture political capital.⁹¹

MR. H. SHERWOOD concurred in Mr. Cayley's observations.⁹²

MR. H. BOULTON thought that this discussion, and the facts which it had elicited, furnished arguments in support of his Bill, depriving the Government of discretionary power, and rendering an Act of the Legislature necessary whenever a pension be granted.⁹³ [He] suggested that the member for Haldimand be put on the contingency Committee. He held that the old practice of granting pensions without the authority of this House was wrong.⁹⁴

MR. INSP. GEN. HINCKS denied that pensions were granted without the authority of the legislature.⁹⁵

MR. H. BOULTON inquired what legal authority there was for granting Mr. Jamieson's pension.⁹⁶

MR. INSP. GEN. HINCKS said a certain sum was placed at the disposal of the Crown for pensions, and it did not require any other authority for the application.⁹⁷ [He] believed it would be impossible to furnish the information moved for, so far as many of the old pensions are concerned. He reminded the member for Norfolk that his zeal for retrenchment was comparatively new-born, and that he voted for the Judges' salaries and other items of expenditure, of which he now complained.⁹⁸

MR. H. BOULTON explained.⁹⁹

MR. INSP. GEN. HINCKS repeated that he had no desire to withhold information, and suggested to the Member for Haldimand to confine his motion to pensions granted since a recent period--say since the Union. Some of the old pensions (we understood the hon. member to say) may have been granted without Orders in Council.¹⁰⁰

COL. PRINCE looked upon the motion as the reverse of bona fide--designed not to elicit useful information, but to waste public time, and to make out-door popularity. He was satisfied that neither the past or the present Government desired to withhold information. He should vote against the motion.¹⁰¹

(42)

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Price, That all the words after "fiscal quarter" to the words "whom paid" be left out:

And the Question being put, That those words be left out; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fergusson,

(43)

Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Lyon, Solicitor General Macdonald, Meyers, Mongenais, Morrison, Price, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Stevenson, and Taché.-- (39.)

NAYS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, DeWitt, Holmes, Mackenzie, Malloch, Prince, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Smith of FRONTENAC.--(15.)

So it was resolved in the Affirmative.

The main Question, so amended, being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, DeWitt, Fergusson, Flint, Hall, Jobin, Attorney General LaFontaine, Lemieux, Letellier, Lyon, Solicitor General Macdonald, Mackenzie, Malloch, Morrison, Price, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, and Stevenson.--(25.)

NAYS.

Messieurs Armstrong, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Christie, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Lacoste, LaTerrière, Laurin, Prince, Ross, Sherwood of TORONTO, Smith of FRONTENAC, and Taché.--(20.)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the names of the Division Court Judges, their salaries, and the amount of fees and fines raised in the several Divisions; also, the amount of the General Fee Fund, and of all monies received and disbursed under authority of Sections 16 and 17 of the Division Court Act of last Session, and stating in detail the manner in which all such monies have been appropriated, whether under authority of the said Act, or of previous enactments, and if so, what enactments, for and during the two years ending with the last fiscal quarter: A Statement in detail, of the expenditure of £5000, less £800 refunded, paid without the special authority of law to W.B. Robinson, Esquire, a Member of the Legislative Assembly, to be by him distributed among the Indians on Lake Superior; and a Return shewing to whom the payments were severally made of £6655, stated in page 20 of last year's Public Accounts to have been paid for "Indian Annuities," for or during the year ending on the 30th of September last.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive

Council of this Province.

Lakes Superior
and Huron
Canal Bill.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to provide for the construction of a Canal to connect Lakes Superior and Huron.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixteenth instant.

Bill relating to
Promissory
Notes and Bills
of Exchange.

Ordered, That Mr. Holmes have leave to bring in a Bill to facilitate the negotiation of Promissory Notes and Bills of Exchange, and to relieve the same under certain limitations from the operation of the Usury Laws.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh instant.

Apprentices
and Minors
Bill.

Ordered, That Mr. Stevenson have leave to bring in a Bill to amend the Law relating to Apprentices and Minors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Chauveau, seconded by Mr. Ross,

Exploration
between Que-
bec and Lake
St. Jean.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause an exploration to be made, in so far as may be judged practicable, of the tract of Country lying between Quebec and Lake

St. Jean, further to the eastward than that made by Messieurs Blaiklock and Duberger, and following the region comprized between the Rivers Jacques Cartier and Montmorency, as far as the height of land, and thence along the Rivers Upica and Belle Rivière as far as the valley of the cultivable lands between the Saguenay and Lake St. Jean, or in any other direction which may be considered more favorable for opening as direct a communication as possible between the new settlements now forming on the Rivers Saguenay and Chicoutimi, and near Lake St. Jean and the City of Quebec.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Parishes,
Churches, &c.
Erection Bill.
(L.C.).

Ordered, That Mr. Bouthillier have leave to bring in a Bill to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches, and Church Yards in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh instant.

Eastern Town-
ships.

Resolved, That a Select Committee, composed of Mr. Fortier, Mr. Ross, Mr. McConnell, Mr. Watts, Mr. Polette, Mr. Sanborn, Mr. Bouthillier, and

Mr. Cauchon, be appointed to enquire into the causes which prevent or retard

the settlement of the Eastern Townships in the Districts of Three Rivers, St. Francis, and Quebec, and to report on the means which it would be most expedient to adopt in order to facilitate the settlement of the said Townships; with power to send for persons, papers and records.

Bill relating to
Municipalities
acquiring
Public Works.

Ordered, That Mr. Meyers have leave to bring in a Bill to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. CHRISTIE¹⁰² moved the first reading of the bill in amendment of the Act to incorporate the Bar of Lower Canada. He explained that the object of the bill was to exempt persons who, though admitted to the Bar in Lower Canada, had ceased to practice, from the fees imposed upon them by certain Acts of Parliament. The exemption applied to those who had not practised for five years, but the bill he proposed would permit them to return to the profession.¹⁰³

MR. AT. GEN. LAFONTAINE said, if the bill only relieved certain members of the Bar from paying the annual tax imposed on them, he would oppose it on the second reading. But he would have no difficulty in allowing any gentleman who pleased to retire altogether from the profession.¹⁰⁴

(43)

Bill relating to
the Bar of
Lower Canada.

Ordered, That Mr. Christie have leave to bring in a Bill in amendment of an Act to incorporate the Bar of Lower Canada, and of a certain Act therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. H. SHERWOOD moved for copies of all correspondence and accompanying documents relative to the claim of Alexander Morrison.¹⁰⁵

MR. COM. CR. LANDS PRICE said the whole of the documents in the case had already been published, except his last petition (as we understood.)¹⁰⁶

(44)

On motion of the Honorable Mr. Sherwood, seconded by Mr. Malloch,

Alexander
Morrison.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence which has taken place between the Government and Alexander Morrison, or any one on his behalf, since the last Session, referring in any way to his claim for compensation for loss sustained by him by means of the issuing of two Patent Deeds for the same Lot in the Township of Niagara, and also of all other documents which have come into the possession of the Government since the same period, bearing upon or relating in any manner to the same case.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. FLINT moved for leave to introduce a bill for more effectually suppressing intemperance in Lower Canada.¹⁰⁷

MR. SOL. GEN. DRUMMOND said it was the intention of government to introduce a measure on the subject.¹⁰⁸

(44)

Intemperance
Suppression
Bill.

Ordered, That Mr. Flint have leave to bring in a Bill for more effectually suppressing Intemperance in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixteenth instant.

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Toronto Medi-
cal Board of
Examiners.

Resolved, That an humble Address be presented to His Excellency the Governor General, for a Return of the names of the Medical Gentlemen who have constituted the several Boards of Examiners of the Medical Board during its sittings since the last Session of Parliament, distinguishing those who were Professors in the University of Toronto, from those who do not belong to that body; and, also, copies of the proceedings of the Board during the last sitting of the Board.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill relating to
Deeds creating
Debts to the
Crown.

The Order of the day for the second reading of the Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown, being read;

MR. J. CAMERON moved the second reading of the Bill to compel registration of Deeds and instruments creating debts to the Crown. The hon. member made some explanations of a technical character, of his bill.¹⁰⁹

(44)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Merchants, &c.
Relief Bill.

The Order of the day for the second reading of the Bill for the Relief of Merchants, Traders, and others, being read;

Ordered, That the Bill be read a second time on Monday next.

Deceased Per-
sons Estates
Bill.

The Order of the day for the second reading of the Bill for the better administration of the Estates of Deceased Persons, being read;

MR. J. CAMERON moved the second reading of the Bill, for Administration of Estates of Deceased Persons. The hon. member showed that the law in this respect was in a very unsatisfactory condition, and that the reform contained in this bill was much needed. The explanations made by the hon. member were of a technical character.¹¹⁰

(44)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Criminal Law
Amendment
Bill.

The Order of the day for the second reading of the Bill for the further amendment of the administration of the Criminal Law, being read;

MR. J. CAMERON moved the second reading of the bill to amend Administration of the Criminal Law. The hon. member went on to make some explanations of his bill.¹¹¹

MR. SOL. GEN. MACDONALD made some remarks upon the Bill, and suggested that it should be made to apply to Lower Canada.¹¹²

MR. SOL. GEN. DRUMMOND approved of the Bill, but some alterations would require to be made [sic] before it could be made applicable to Lower Canada, and in this view he suggested the reference to the Bill to a Special Committee. It was very desirable to have the criminal law of Upper and Lower Canada assimilated. He should like to see the commercial codes assimilated, too; for he did not believe that without this assimilation of laws the Union could be successfully worked.¹¹³

MR. J. CAMERON objected to the Special Committee, as being a kind of tomb for the burying of measures, that it was not wanted to pass through the House, and instanced the celebrated Retrenchment Committee.¹¹⁴

(44)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Bill to authorize a second Term of the Superior Court to be held in the District of Gaspé.

The Order of the day for the second reading of the Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Law of Evidence Bill (U.C.).

The Order of the day for the second reading of the Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to improve the Law of Evidence in Upper Canada," being read;

MR. J. CAMERON then moved the second reading of the Bill to amend the Act to improve [the] Law of Evidence in Upper Canada, and made some remarks upon it.¹¹⁵

(44)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Mortgagees Relief Bill.

The Order of the day for the second reading of the Bill for the Relief of Mortgagees, being read;

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time to-morrow.

Lumber Act Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Act for regulating the inspection and measurement of Lumber, being read;

Ordered, That the Bill be read a second time on Monday next.

Good Order Bill.

The Order of the day for the second reading of the Bill to amend the Act of Lower Canada for the better preservation of Good Order in Churches and places of

Public Worship, being read;

MR. JOBIN moved the second reading of the bill to amend [the] Act for the

maintenance of good order in Churches, &c. The hon. member explained the nature of his bill was to render much more severe than at present, the punishment of persons who made disturbances in Churches.¹¹⁶

MR. SOL. GEN. DRUMMOND, and some other members, contended that it was useless to increase the punishment of fifteen days imprisonment to sixty days.¹¹⁷

(44)

Mr. Jobin moved, seconded by Mr. Laurin, and the Question being put, That the Bill be now read a second time;

The House divided:

Yeas, 15.

Nays, 13.

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Jobin, Mr. Cartier, Mr. Cauchon, Mr. Laurin, and the Honorable Mr. Chabot, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill relating to
Real Property
illegally de-
tained.

The Order of the day for the second reading of the Bill to provide a more summary and less expensive process for proprietors of real property in Lower Canada to acquire the possession thereof when illegally detained from them in certain cases, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating to
the Judgments and
Records of the late
Provincial Court
of St. Francis
District.

The Order of the day for the second reading of the Bill to render the Judgments of the late Provincial Court for the Inferior District of Saint Francis executory, and for the removal of the Records of the said Court into the Circuit Court at Sherbrooke, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sanborn, Mr. Solicitor General Drummond, the Honorable Mr. Badgley, Mr. Chauveau, and Mr. Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Census Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein, being read;

Ordered, That the Bill be read a second time on Thursday next.

Justices of the
Peace (U.C.)
Fees Bill.

The Order of the day for the second reading of the Bill to establish an uniform rate of Fees to be re-

(45)

ceived by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the Reign of King William the Fourth, chapter seventeen, being read;

Ordered, That the Bill be read a second time on Thursday next.

Real or Mixed
Actions Bill.

The Order of the day for the House in Committee on the Bill to amend the Law in Lower Canada as regards to the District in which real or mixed Actions may be

commenced, being read;

Ordered, That the said Order of the day be postponed until Monday next.

Bill relating to
Judgments of
Commissioners
Courts (L.C.).

The Order of the day for the House in Committee
 on the Bill to render executory the Judgments of Com-
 missioners' Courts in Lower Canada, being read;

Ordered, That the said Order of the day be discharged.

Ordered, That the Bill be referred to the Select Committee to which was re-
 ferred the Bill to render the Judgments of the late Provincial Court for
 the Inferior District of Saint Francis executory, and for the removal of
 the Records of the said Court into the Circuit Court at Sherbrooke.

Ordered, That it be an Instruction to the said Committee to consolidate the
 said two Bills into one, if they should find it expedient.

Then, on motion of Mr. DeWitt, seconded by Mr. Hall,
 The House adjourned.

APPENDIX: 2 JUNE 1851.

[NOTICE OF MOTION RE: MEDICAL PROFESSION IN LOWER CANADA.]¹¹⁸

MR. SANBORN gave notice of a motion to introduce a bill in relation to the Medical Profession of Lower Canada.¹¹⁹

[NOTICE OF MOTION RE: JUSTICES OF THE PEACE BILL.]¹²⁰

MR. SOL. GEN. DRUMMOND gave notice of the introduction of bills for the amendment of the law relating to Justices of [the] Peace, &c.¹²¹

[POSTPONED MOTION RE: LIBRARY.] ¹²²

MR. H. SHERWOOD moved the appointment of a Standing Committee to assist the Speaker in the management of the Library. As the matter relates to the domestic affairs of the House, no notice was necessary.¹²³

MR. INSP. GEN. HINCKS asked for time to consider the matter, which was one of some importance.¹²⁴

MR. H. SHERWOOD adopted the suggestion, and gave notice of the motion for to-morrow.¹²⁵

[NOTICE OF ADDRESS RE: MINES AND INDIAN RIGHTS IN LAKE SUPERIOR DISTRICT.]¹²⁶

MR. H. BOULTON gave notice of motions for a series of returns--including amongst other things, a return of licenses granted to open mines on Lake Superior, and in reference to Indian rights in that district.¹²⁷

[NOTICE OF ADDRESS RE: JOINT STOCK COMPANIES.]

MR. H. BOULTON gave notice of [an Address] ... relative to Joint Stock Companies for the formation of Roads¹²⁸.

[NOTICE OF ADDRESS RE: NEW DIVISION OF COUNTIES.]

MR. H. BOULTON gave notice of [an Address] ... relative to the proposed New Division of the Counties.¹²⁹

[NOTICE OF QUESTION RE: CHATHAM AND KENT ROAD, AND RONDEAU HARBOUR.]¹³⁰

COL. PRINCE gave notice of an enquiry, whether it is the intention of the Ministry to continue under the control of the Board of Works the Chatham and Kent road, and Vondeau [sic] harbour, or whether they will surrender them to the Municipal Council of the County of Kent?¹³¹

[QUESTION AND ANSWER RE: DUTY ON TIMBER.]¹³²

MR. H. SHERWOOD enquired of ministry, whether it is the intention of government to propose an export duty on saw logs and other timber, in an unmanufactured state taken from this Province to the United States of America, or whether it is their intention to take any other steps to prevent the lumber manufactures of this Province against the injurious practices on the part of American citizens, of having Crown lands at a low rate for the purpose of cutting timber to be manufactured in their own country?¹³³

MR. INSP. GEN. HINCKS said, it was not the intention of the Government to propose an export duty on Saw Logs and other timber, in an unmanufactured state,

taken from Province to the United States; but steps had been taken with regard to the Crown Lands, to attain the proposed object by increasing the duties. He thought also less objectionable means than an export duty might be found to encourage our own manufactures. His friend the hon. member for Middlesex, had a Bill for that object, which he thought would be satisfactory.¹³⁴

[QUESTION AND ANSWER RE: COMMISSION OF REBELLION LOSSES.]¹³⁵

MR. H. SHERWOOD enquired of ministers, whether ... [the Commissioners appointed to enquire into] losses sustained in Lower Canada, during the rebellion of 1837 and 1838, have been instructed by the government to proceed with their investigations, since their answer to the address of this House to His Excellency on that subject during the last session; whether any claims preferred to the said commissioners have been paid, and, if so, to what amount; whether the said commissioners are now proceeding under the instructions of government with their investigations; and whether it is the intention of government to pay such sums as may be or have been allowed by them, without a further application to Parliament?¹³⁶

MR. AT. GEN. BALDWIN said that the Commissioners appointed to report upon losses sustained in Lower Canada, during the Rebellion of 1837 and 1838, have been instructed by the Government to proceed with their investigations; that no claims had been paid; that it was not the intention of Government to pay such sums as may be allowed without a further application to Parliament; but that they could not tell what to do until the report came and an address was ordered, on motion of Mr. [H.] Sherwood, relative to the claim of Alexander Morrison.¹³⁷ [He] could not say when the labours of the Commissioners would close.¹³⁸

[QUESTION AND ANSWER RE: STATUTES.]¹³⁹

COL. PRINCE [made an] enquiry.¹⁴⁰

MR. AT. GEN. BALDWIN stated that the government had long had under consideration the expediency of revising the statutes of¹⁴¹ Upper Canada, and of United Canada¹⁴², and it was the intention of the government to introduce some measure on the question this session.¹⁴³

[QUESTION AND ANSWER RE: SEAT OF GOVERNMENT.]¹⁴⁴

MR. H. SHERWOOD [asked a] question.¹⁴⁵

MR. AT. GEN. BALDWIN replied that the Government Departments would be removed to Quebec after the close of the Session and remain there four years.¹⁴⁶

[QUESTIONS RE: TORONTO UNIVERSITY.]¹⁴⁷

MR. MACKENZIE enquired of Ministry, whether the pending Commission of Inquiry into the state of the Toronto University arose spontaneously with the University itself; and whether prompted to it by the Government, or any member thereof; and what passed between the Government or any member thereof, and the University authorities, touching the necessity for such a Commission; and whether the Government, or any member thereof was directly or indirectly concerned with the University as to the manner in which such Commission should be effected and composed; and as to the extent to which its investigation should be carried, and its final reports be made; and also, why, in such a matter, the University authorities, whose conduct had demanded an investigation occupying a period of between two and three years, was left by the Government, in any degree;

to the action, or concerted action, arrangement, and power of the party implicated in the past mismanagement of its affairs requiring such expensive and protracted labours?¹⁴⁸

MR. AT. GEN. BALDWIN complained that the motion was a speech; and¹⁴⁹ would require a speech in reply, which was entirely contrary to the usual practice of the House.... Mr. Baldwin said farther, that the hon. gentleman must have been aware, had he followed the course of events, that the Commission of Inquiry had been appointed by a statute of the University, sent down by the Chancellor of the University, who was at that time the head of Government. But as to what passed between the Government, &c., and the University authorities, no answer could be given without statements that might amount perhaps to whole debates.¹⁵⁰ As to the part the government had taken in the matter, it had had nothing to do with it.¹⁵¹

FOOTNOTES: 2 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 3 June 1851, BRITISH WHIG, 5 June 1851, MORNING CHRONICLE, 9 June 1851; GLOBE, 3 June 1851, NORTH AMERICAN, 6 June 1851, PILOT, 7 June 1851, and LA MINERVE, 7 June 1851.
2. PILOT, 7 June 1851.
3. IBID.
4. IBID.
5. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 3 June 1851, BRITISH WHIG, 5 June 1851, and MORNING CHRONICLE, 9 June 1851. The following papers reported the debate in partially identical accounts: NORTH AMERICAN 6 June 1851, PILOT, 7 June 1851, OTTAWA CITIZEN, 7 June 1851, and LA MINERVE, 7 June 1851. The debate was also reported by: MONTREAL GAZETTE, 3 June 1851; EXAMINER, 4 June 1851; MONTREAL GAZETTE, 6 June 1851; and L'AVENIR, 11 June 1851.
6. MONTREAL GAZETTE, 6 June 1851.
7. PILOT, 7 June 1851.
8. BRITISH WHIG, 5 June 1851.
9. PILOT, 7 June 1851.
10. EXAMINER, 4 June 1851.
11. PILOT, 7 June 1851.
12. BRITISH WHIG, 5 June 1851.
13. EXAMINER, 4 June 1851.
14. BRITISH WHIG, 5 June 1851.
15. PILOT, 7 June 1851.
16. EXAMINER, 4 June 1851.
17. PILOT, 7 June 1851.
18. EXAMINER, 4 June 1851.
19. BRITISH WHIG, 5 June 1851.
20. PILOT, 7 June 1851.
21. BRITISH WHIG, 5 June 1851.
22. PILOT, 7 June 1851.
23. BRITISH WHIG, 5 June 1851.
24. PILOT, 7 June 1851.
25. BRITISH WHIG, 5 June 1851.
26. PILOT, 7 June 1851.
27. BRITISH WHIG, 5 June 1851.
28. PILOT, 7 June 1851.
29. BRITISH WHIG, 5 June 1851.
30. PILOT, 7 June 1851.
31. BRITISH WHIG, 5 June 1851.
32. PILOT, 7 June 1851.
33. BRITISH WHIG, 5 June 1851.
34. PILOT, 7 June 1851.
35. EXAMINER, 4 June 1851.
36. BRITISH WHIG, 5 June 1851.
37. EXAMINER, 4 June 1851.
38. PILOT, 7 June 1851.
39. IBID.
40. BRITISH WHIG, 5 June 1851.
41. PILOT, 7 June 1851.
42. BRITISH WHIG, 5 June 1851.
43. PILOT, 7 June 1851.

44. BRITISH WHIG, 5 June 1851.
45. PILOT, 7 June 1851.
46. EXAMINER, 4 June 1851.
47. PILOT, 7 June 1851.
48. EXAMINER, 4 June 1851.
49. BRITISH WHIG, 5 June 1851.
50. PILOT, 7 June 1851.
51. EXAMINER, 4 June 1851.
52. PILOT, 7 June 1851.
53. BRITISH WHIG, 5 June 1851.
54. PILOT, 7 June 1851.
55. BRITISH WHIG, 5 June 1851.
56. PILOT, 7 June 1851.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. BRITISH WHIG, 5 June 1851.
62. PILOT, 7 June 1851.
63. BRITISH WHIG, 5 June 1851.
64. PILOT, 7 June 1851.
65. EXAMINER, 4 June 1851.
66. BRITISH WHIG, 5 June 1851.
67. EXAMINER, 4 June 1851.
68. BRITISH WHIG, 5 June 1851.
69. PILOT, 7 June 1851.
70. BRITISH WHIG, 5 June 1851.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. EXAMINER, 4 June 1851.
77. PILOT, 7 June 1851.
78. BRITISH WHIG, 5 June 1851.
79. EXAMINER, 4 June 1851.
80. BRITISH WHIG, 5 June 1851.
81. EXAMINER, 4 June 1851.
82. PILOT, 7 June 1851.
83. EXAMINER, 4 June 1851.
84. PILOT, 7 June 1851.
85. BRITISH WHIG, 5 June 1851.
86. PILOT, 7 June 1851.
87. EXAMINER, 4 June 1851.
88. PILOT, 7 June 1851.
89. EXAMINER, 4 June 1851.
90. PILOT, 7 June 1851.
91. IBID.
92. IBID.
93. IBID.
94. EXAMINER, 4 June 1851.
95. IBID.
96. IBID.
97. IBID.
98. PILOT, 7 June 1851.

99. IBID.
100. IBID.
101. IBID.
102. The debate on this matter was reported by: BRITISH COLONIST, 3 June 1851; and EXAMINER, 4 June 1851.
103. BRITISH COLONIST, 3 June 1851.
104. IBID.
105. EXAMINER, 4 June 1851.
106. IBID.
107. IBID.
108. IBID.
109. BRITISH COLONIST, 3 June 1851.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. The following papers reported this notice in identical accounts: NORTH AMERICAN, 6 June 1851, PILOT, 7 June 1851, and LA MINERVE, 7 June 1851.
119. PILOT, 7 June 1851.
120. The following papers reported this notice in identical accounts: NORTH AMERICAN, 6 June 1851, PILOT, 7 June 1851, and LA MINERVE, 7 June 1851.
121. PILOT, 7 June 1851.
122. The following papers reported the debate on this postponed motion in identical accounts: NORTH AMERICAN, 6 June 1851, PILOT, 7 June 1851, and LA MINERVE, 7 June 1851.
123. PILOT, 7 June 1851.
124. IBID.
125. IBID.
126. The following papers reported this notice in identical accounts: NORTH AMERICAN, 6 June 1851, and PILOT, 7 June 1851. The debate was also reported by BRITISH COLONIST, 3 June 1851.
127. PILOT, 7 June 1851.
128. BRITISH COLONIST, 3 June 1851.
129. IBID.
130. The following papers reported this notice in identical accounts: NORTH AMERICAN, 6 June 1851, PILOT, 7 June 1851, and LA MINERVE, 7 June 1851.
131. PILOT, 7 June 1851.
132. The following papers reported this question in identical accounts: BRITISH COLONIST, 3 June 1851, and MORNING CHRONICLE, 9 June 1851. The debate was also reported by: GLOBE, 3 June 1851; and EXAMINER, 4 June 1851.
133. EXAMINER, 4 June 1851.
134. BRITISH COLONIST, 3 June 1851.
135. The following papers reported this question in identical accounts: MONTREAL GAZETTE, 4 June 1851, BRITISH WHIG, 4 June 1851, MORNING CHRONICLE, 4 June 1851, PILOT, 5 June 1851, and MONTREAL TRANSCRIPT, 5 June 1851. The debate was also reported by: GLOBE, 3 June 1851; BRITISH COLONIST, 3 June 1851; EXAMINER, 4 June 1851; MONTREAL GAZETTE, 6 June 1851; and L'AVENIR, 4 June 1851.

136. EXAMINER, 4 June 1851. The ellipsis represents an illegible line.
137. BRITISH COLONIST, 3 June 1851.
138. GLOBE, 3 June 1851.
139. This question was reported by: BRITISH COLONIST, 3 June 1851; EXAMINER, 4 June 1851; and MONTREAL GAZETTE, 6 June 1851.
140. BRITISH COLONIST, 3 June 1851.
141. EXAMINER, 4 June 1851.
142. BRITISH COLONIST, 3 June 1851.
143. EXAMINER, 4 June 1851.
144. This question was reported by: GLOBE, 3 June 1851; EXAMINER, 4 June 1851; and MONTREAL GAZETTE, 6 June 1851. MONTREAL GAZETTE, 6 June 1851 commented that "Mr. Baldwin has at length been brought out on the Seat of Government question."
145. GLOBE, 3 June 1851.
146. IBID.
147. The following papers reported these questions in identical accounts: BRITISH COLONIST, 3 June 1851, and MORNING CHRONICLE, 9 June 1851. The debate was also reported by: EXAMINER, 4 June 1851; and MONTREAL GAZETTE, 6 June 1851.
148. EXAMINER, 4 June 1851.
149. IBID.
150. BRITISH COLONIST, 3 June 1851.
151. EXAMINER, 4 June 1851.

TUESDAY, 3 JUNE 1851.¹

(45)

Quebec Provident
and Savings Bank.

MR. Speaker laid before the House, a Statement of the Affairs of the Quebec Provident and Savings' Bank, for the year ending 1st March, 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Agricultural
Societies.

Also, Reports of Agricultural Societies in Upper and Lower Canada, for the year 1850.

Appendix (J.)

For the said Reports, see Appendix (J.)

Toronto Me-
chanics' Insti-
tute.

And also, Statement of the Real and Personal property held by the Toronto Mechanics' Institute.

Appendix (K.)

For the said Statement, see Appendix (K.)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By the Honorable Mr. Price,--The Petition of W.S. Burnham and others, Sons of Temperance; and the Petition of the Reverend John Roaf, President, and others, Vice Presidents, and others, on behalf of the Temperance Reformation Society of the City of Toronto.

By Mr. DeWitt,--The Petition of Messieurs Greene and Sons, and others, manufacturing Hatters and Furriers, of the City of Montreal.

By Mr. Fortier,--The Petition of the Reverend Antoine Racine and others, of Bulstrode, Aston, and St. Grégoire.

By Mr. Scott of Two Mountains,--The Petition of Samuel Jenkins and others, of LaChute, in the Parish of St. Jérusalem d'Argenteuil.

By Mr. McFarland,--The Petition of John Gilbert, formerly a Seaman in the Royal Navy.

By the Honorable Mr. Badgley,--The Petition of Mrs. Margaret Lunn, Directress, and others, the Lady Managers of the University Lying-in Hospital, Montreal; the Petition of the Right Reverend the Lord Bishop of Montreal; the Petition of the Horticultural Society of Montreal; and the Petition of Joseph Guillaume Barthe, of the City of Montreal, Esquire, Advocate.

By the Honorable Mr. Robinson,--The Petition of James Cotton, of the City of Toronto, Esquire; and the Petition of Edward Taylor Dartnell, of the City of Toronto, Esquire.

By Mr. Sherwood of Brockville,--The Petition of the Reverend Oliver Kelly and others, Roman Catholics, of the Town of Brockville.

By the Honorable Mr. Hincks,--The Petition of Alexander McPherson and others, of Whitby, and other Townships; the Petition of the Municipal Council of the United Townships of Mara and Rama; the Petition of the Municipality of the Township of Uxbridge; the Petition of the Municipality of the Township of Whitby, County of York; the Petition of Kenneth Cameron and others, of Whitby and other Townships; the Petition of the Municipality of the Township of Scott; and the Petition of George Thompson and others, of the Township of Scott, County of York.

By Mr. Smith of Frontenac,--The Petition of John Counter, Esquire, and others, of the United Counties of Frontenac, Lenox and Addington.

By Mr. Lemieux,--The Petition of A. Ross, Esquire, and others, of the Township of Frampton; the Petition of Pierre Paquet and others, Censitaires, of the Parish of St. George de la Beauce, County of Dorchester; and the Petition of Joseph Busque, Esquire, and others, of the Parish of St. François de la Beauce, County of Dorchester.

By Mr. Sauvageau,--The Petition of J. Pepin and others, Censitaires, of the County of Huntingdon.

By Mr. Guillet,--The Petition of C. Marseau and others, of the Parish of Ste. Anne Lapérade.

By Mr. Notman,--The Petition of Robert Fleming and others, of South Dorchester, County of Middlesex; the Petition of Thomas Vincent and others, of the Township of Bayham, County of Middlesex; the Petition of Isaac Campbell and others, of the south part of the Townships of Westminster and Delaware, County of Middlesex; and the Petition of Francis Robinson and others, of the Township of Aldborough, County of Middlesex.

By the Honorable Mr. Sherwood,--The Petition of D. Paterson and others, of the City of Toronto.

By Mr. McConnell,--The Petition of W.G. Cook and others, Trustees of the Charleston Academy.

By Mr. Taché,--The Petition of the Reverend F.X. Delage and others, of the Parish of Notre Dame de Bonsecours de l'Islet, County of l'Islet; the Petition of Charles Dion, President, and others, the Library Association of Teachers of the District of Quebec; the Petition of Benjamin Dionne, Esquire, and others, of the Parishes of St. George and St. Arsène de Kakouma, County of Rimouski; the Petition of Charles Dion, President, and others, Teachers of the District of Quebec; and the Petition of P. Gauvreau, Esquire, and others, of the Parish of St. Germain de Rimouski, County of Rimouski.

By the Honorable Mr. LaTerrière,--The Petition of André Cimon, Esquire, and others, of Baie St. Paul; the Petition of Simon Ross and others, of Bagot and other Townships, in the second division of the County of Saguenay; and the Petition of Louis Tremblay and others, of Ste. Catharine, Rivière aux Canards, and other places, County of Saguenay.

By Mr. Flint,--The Petition of the Reverend Enoch Wood and others, of the City of Toronto, Clergymen of the Wesleyan Methodist Church in Canada.

(46)

By Mr. Mackenzie,--The Petition of Alexander Scobie, Esquire, and others, of Caledonia and its vicinity.

By the Honorable Mr. Chabot,--The Petition of Christopher Brown and others, masters and owners of British Ships trading to the Port of Quebec.

By the Honorable Mr. Attorney General LaFontaine,--The Petition of the Ladies Directresses of the Protestant Orphan Asylum of Montreal; and the Petition of Sister Ste. Jeanne de Chantal, Superior, and others, Sisters of Mercy, Directresses of L'Hôspice de la Maternité de Montréal.

By Mr. Bell,--The Petition of the Municipal Council of the United Townships of Bathurst and South Sherbrooke; and the Petition of J.W. Anderson and others, Municipal Councillors of the United Townships of Lanark and Darling.

By Mr. Smith of Durham,--The Petition of Frederick C. Capreol, Esquire, of the City of Toronto.

COL. PRINCE² moved to refer the petition of John Montgomery to select committee³ of Messrs. Hincks, Price, J.S. McDonald, Hopkins, and the mover, (laughter for Mr. Hincks)⁴ with instructions to report thereon at an early period.⁵ The petitioner set forth, that he had lost £7000 worth of property at the time of the rebellion, with which he was in no way connected, as he was now ready to prove, although tried and convicted of treason. Mr. Prince said the object of the petitioner was not to get compensation, but to have his character cleared of certain imputations [sic] that had been cast upon it through the receipt of improper evidence.⁶

MR. COM. CR. LANDS PRICE opposed the motion.--The petitioner sought compensation for losses sustained during the rebellion, and his claim ought therefore

In the first instance to be referred to the Government.⁷

COL. PRINCE denied that the petitioner claimed compensation, and said that his only object was to have his character freed from aspersions which have been cast upon it.⁸

MR. COM. CR. LANDS PRICE said that it appeared otherwise in the notice of motion.⁹

COL. PRINCE has not so written it.¹⁰

MR. H. SHERWOOD cited the opinion expressed with regard to the petition by the Streetsville Review, which he pronounced (amidst laughter) "a very influential paper"¹¹, with a view of shewing that object of the petition was for compensation; but he put it to the hon. member to say whether this was so or not.¹²

COL. PRINCE asserted the negative. He also farther stated that¹³ [he] saw no reason for delay, while he saw many reasons for adopting his motion. The time when Montgomery and others were tried for treason was one of great excitement, and when little of the deliberation due to justice marked the proceedings¹⁴, trials at the period referred to ... were hastily disposed.¹⁵

Hear, hear, from MR. AT. GEN. LAFONTAINE.¹⁶

COL. PRINCE continued--and he thought that it spoke very much in favor of his constituent that he should have the courage to come and ask that house for an inquiry [sic] into his conduct that he might clear it from aspersion, which he could do effectually by evidence which he had in his possession.¹⁷ They were now able to produce witnesses who had then fled the country.¹⁸ It had often been made a reproach to him (Col. P.) that he had once acted summarily¹⁹ in an execution, but in that case the murderer was seen to commit the deed, and was caught with the weapon in his hands.²⁰ There was nothing irregular or out of order in the petition of Mr. Montgomery, and he trusted the House would not refuse its prayer.²¹

MR. AT. GEN. BALDWIN said it was a novel petition and asked for a postponement that it [the House] might look into the matter. He spoke generally²² on the merits of the motion, and pointed out the extreme inconvenience which would result from a course which would in fact make this House a Court of appeal, to try the decisions of the ordinary tribunals.²³

(46)

Petition of J. Montgomery.

Mr. Prince moved, seconded by Mr. McFarland, and the Question being put, That the Petition of John Montgomery, of the City of Toronto, Hotel Keeper, representing the loss sustained by him by the destruction of his property in the year 1837, without any just cause for such destruction having been given on his part, and praying relief, be referred to a Select Committee, composed of the Honorable Mr. Hincks, the Honorable Mr. Price, Mr. Solicitor General MacDonald, Mr. Hopkins, Mr. McConnell, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Hopkins, Mackenzie, McConnell, McFarland, and Prince.--(5.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO,

Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Chauveau, Christie, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Lyon, Solicitor General Macdonald, Malloch, Merritt, Mongenais, Notman, Price, Robinson, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, and Taché.--(49.)

So it passed in the Negative.

Petitions referred.

Resolved, That the Petition of the Municipal Council of the County of Haldimand, praying for authority to close up a certain part of Ottawa Street in the Town of Cayuga, be referred to a Select Committee, composed of Mr. Mackenzie, Mr. Smith of Wentworth, Mr. Smith of Durham, Mr. Notman, and Mr. Bell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That the Petition of the Municipal Council of the County of Haldimand, praying for the passing of an Act to authorize the appropriation of a due amount of statute labor to the improvement of Roads running between Townships, be referred to the said Committee.

Ordered, That the Petition of George Rolph, of the town of Dundas, Esquire; the Petition of James Madison Andrews and others, of Port Hope, County of Durham; the Petition of the Port Hope Harbour and Wharf Company; the Petition of the Municipal Council of the County of Waterloo; and the Petition of Angus D. Macdonell, be referred to the Standing Committee on Standing Orders.

Clerks of Assize (U.C.) Office Regulation Bill.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to regulate the Office of Clerks of Assize in Upper Canada.

He accordingly presented the said Bill to the House,²⁴

MR. J. SMITH, of Durham, introduced a bill to regulate the office and duties of Clerks of Assize. He proposed that the Clerk should be paid a specific salary for the time they were employed, instead [of] being paid by fees as at present.²⁵

(46)

and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to Law Expenses (U.C.).

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to reduce Law expenses, and to establish a Tariff of Fees for the Superior Courts of Law in Upper Canada.

He accordingly presented the said Bill to the House,²⁶

MR. J. SMITH explained its object, was to take up the subject of law reform where it was left off by the committee of last Session.²⁷

(46)

and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill to set apart Lands for Indians (L.C.).

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to set apart certain Lands in Lower Canada for the use of the Indians of that

part of the Province.

He accordingly presented the said Bill to the House,²⁸

MR. COM. CR. LANDS PRICE explained that the Indians of Lower Canada had not received the same aid that those of Upper Canada had, and they were in [a] state of distress. The lands set apart would be vested in Commissioners for the superintendence of Indian affairs.²⁹

(46)

and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Election Petitions Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to repeal the several Acts of the Parliament of Lower and Upper Canada now in force for the trial of Controverted Parliamentary Elections in the two sections of the Province respectively, and to provide by one General Act for the trial of all Parliamentary Election Petitions.

He accordingly presented the said Bill to the House,³⁰

MR. AT. GEN. BALDWIN made a few remarks in explanation; but they were entirely inaudible in the Reporter's gallery.³¹

(46)

and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. CAUCHON³² moved for a committee to inquire into and report upon the management of the Quebec Forwarding Company: He stated as the grounds of the motion, that at the last annual meeting a dividend of 15 per cent was declared, and the shareholders were so elated at the circumstance that they voted £250 to the President. Immediately afterwards, the President and Directors sold out of the concern³³. New Directors were chosen, and a demand was made soon after upon the Shareholders for fifty per cent, to be paid upon the Stocks³⁴ which their successors found in so bad a state³⁵. Now, he thought there was something wrong, some delusion. He did not use the term robbery, but he thought the Legislature should make enquiries into the affairs of such Corporations for the prevention of fraud, and of this one in particular for the reasons he had stated³⁶, to sustain public confidence in companies incorporated under the law of this house.³⁷

MR. H. SHERWOOD said that if he understood it right³⁸, several applications were made by this company for incorporation, which failed; but about three years ago an Act was obtained to facilitate the proceedings of the company, but without exempting the shareholders from any of their common law liabilities.³⁹ [It] received the privilege from the Legislature of suing and being sued.⁴⁰ The company were [sic] individually responsible to the full extent of their property, like any ordinary partnership.⁴¹ It was, therefore, in no proper sense an Incorporated Society, and could not be called upon any more than any other private partnership, to make a statement of its affairs.⁴²

MR. CHRISTIE thought this house had no right to interfere with the private affairs of the company.⁴³ Mr. Stevenson agreed in this view of the case, and desired to know whether there were any petitions from parties interested.⁴⁴

MR. CAUCHON--if the principle were adopted that this house had no supervision over this company, then no company would be sustained.⁴⁵

MR. AT. GEN. LAFONTAINE said if the company were merely a partnership, and not an incorporated company, the interference of the house would not be warranted.⁴⁶

(46)

Quebec Forwarding Company.

Mr. Cauchon moved, seconded by Mr. Guillet, and the Question being put, That a Select Committee of five Members, composed of the Honorable Mr. Chabot, the Honorable Mr. Badgley, Mr. Cartier, Mr. Ross, and the mover, be appointed to enquire into the management of the Quebec Forwarding Company, to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.

Bill relating to River du Chêne.

the River du Chêne.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to explain and remove doubts under certain Acts passed for the improvement of

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Bill relating to Chartered Road Companies.

Ordered, That Mr. Meyers have leave to bring in a Bill to provide against Chartered Road Companies allowing their Roads to remain in disrepair, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of Mr. Hall, seconded by Mr. Laurin,

Petitions for Private Bills.

Resolved, That the time for receiving Petitions for Private or Local Bills be extended until Monday

(47)

the seventeenth instant.

Replevin Law Amendment Bill (U.C.).

Ordered, That Mr. Lyon have leave to bring in a Bill to amend and extend the Law relating to the remedy by Replevin, in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to Commissions for taking Evidence.

Ordered, That Mr. Lyon have leave to bring in a Bill to facilitate the issue of Commissions for the examination of Witnesses and the taking of evidence in Suits at Law pending and to be brought in the several Courts of Record in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to Summary Convictions.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Bill relating to
Indictable
Offences.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to facilitate the performance of duties of Justices of the Peace out of Sessions, with respect to persons charged

with indictable offences.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Library.

Resolved, That a Select Committee, composed of Sir Allan N. MacNab, the Honorable Mr. Papineau, the Honorable John A. Macdonald, the Honorable H.J. Boulton, Mr. Bouthillier, Mr. Chauveau, and Mr. Morrison, be appointed to assist Mr. Speaker in the direction of the Parliamentary Library, so far as the interests of this House are concerned; and to act on behalf of this House as Members of a Joint Committee of both Houses for the regulation and management of the Library.

Resolved, That a Message be sent to the Honorable the Legislative Council, communicating to their Honors a copy of the foregoing Resolution appointing certain Members to act on behalf of this House as Members of a Joint Committee of both Houses for the direction of the Parliamentary Library; and requesting their Honors to appoint Members of their Honorable Body to unite with the Members of this House therein named, for the said purpose.

Ordered, That the Honorable Mr. Sherwood do carry the said Message to the Legislative Council.

MR. MACKENZIE⁴⁷ moved an Address to His Excellency, for a return of all the persons kept in close confinement, or upon the gaol limits on bail in civil cases, for debt or law costs, in Upper Canada.⁴⁸ Within the last month⁴⁹ he had received many letters from all parts of the country asking him to introduce a bill for the abolition of imprisonment for debt.⁵⁰ His object in seeking this information was to find out the operation of the present law; for he held that the best ground work of all legislation was to ascertain the state of things as they are.⁵¹ It was certainly desirable to protect merchants and others against fraud, but surely this can be done without casting worthy and honest men into prison, and confining them there for years, to the injury of their health and the ruin of their families.⁵² He instanced several individuals who had formerly laid in jail for many years for debt, and dilated upon the cruelty and injustice of this. For no other civil cases than frauds should a man be imprisoned.⁵³

MR. J. SMITH of Durham seconded the motion.--⁵⁴

(47)

On motion of Mr. Mackenzie, seconded by Mr. Smith of Durham,

Debtors.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing, 1st, the name of each person now in close confinement for debt, or for defaults in payment of Law costs, in the Prisons in Upper Canada; how long he has been thus imprisoned, the sums for which he is thus detained, and at whose expense maintained: 2nd, the number of persons now on bail, in civil cases, upon the Gaol limits in each of the several Counties or Unions of Counties, so far as the said information can be conveniently and readily obtained from the proper authorities.

Ordered, That the said Address be presented to His Excellency the Governor Gen-

eral by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Smith of Durham, seconded by Mr. Flint,

Arbitrators
and Claims for
Damages under
13 & 14
Vic. cap. 13.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return shewing the names of the Arbitrators appointed under the 13 & 14 Vic. cap. 13, for appraising the damages sustained by parties in or in consequence of the construction of the Public Works, the number of claims for damages, the names of claimants, and the respective amounts claimed and allowed, and those paid, and also those (if any) unpaid up to the present time; and also the amount paid to the Arbitrators respectively, and for expenses attendant upon their duties and investigation, and the time occupied therein.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mortgagees
Relief Bill.

An engrossed Bill for the Relief of Mortgagees, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Municipalities
Bill (L.C.).

The Order of the day for the second reading of the Bill, intituled, The Lower Canada Municipalities Act, being read;⁵⁵

MR. AT. GEN. LAFONTAINE moved the second reading of the Municipal Bill for Lower Canada. As he understood there was no objection to the principle of the Bill he should not make any remarks upon the second reading. He understood that some amendments were to be proposed; but these could be done in Committee.⁵⁶

MR. ARMSTRONG wished the hon. member to put off the second reading for some time. The County Councils would hold their meetings next Monday, and he should like it postponed long enough to have an expression of opinion on the principle of this bill. The County division had not been complained of so far as he understood.⁵⁷

MR. AT. GEN. LAFONTAINE had no objection to postpone the bill for any length of time, but must remark when the hon. member said there had been no complaint of the existing act, that this was quite contrary to his own statement last session, for then he had declared that the present act would not work at all.⁵⁸

MR. ARMSTRONG had never said the act would not work at all, for it had worked; nor did he now say there was no complaint of the existing law, for there had been great complaint, as to some part of it; but he desired to have time for the Municipal Councils to form their own opinion.⁵⁹

MR. BADGLEY approved of the principles of the combining [of] the County and Parish Municipality; but desired time to consider the details.⁶⁰

(47)

Ordered, That the Bill be read a second time on Tuesday the seventeenth instant.

Road Bill
(L.C.).

The Order of the day for the second reading of the Bill, intituled, The Lower Canada Road Act, being read;

Ordered, That the Bill be read a second time on Tuesday the seventeenth instant.

Division Line
Bill.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Penitentiary
Management
Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Bill relating to
Gaols and
Houses of Cor-
rection.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of Correction for Juvenile offenders, being read;

Ordered, That the Bill be read for a second time on Tuesday next.

Officers of Jus-
tice Salaries
Act Amendment
Bill (L.C.).

The Order of the day for the second reading of the Bill to amend the Act substituting Salaries for Fees in certain cases in Lower Canada, being read; 61

MR. AT. GEN. LAFONTAINE moved the second reading of the bill to amend the act of last Session relative to the Salaries of certain Officers of Justice in Lower Canada. The hon. member made a few explanations in a low tone which were inaudible to the Reporter's gallery.--62

(48)

The Bill was accordingly read a second time; and committed to the whole House, for Friday next.

Montreal
Trinity House
Act Amend-
ment Bill.

The Order of the day for the second reading of the Bill to amend the Montreal Trinity House Act, being read; 63

MR. AT. GEN. LAFONTAINE also moved the second reading of the bill to amend the Montreal Trinity House Act. His explanatory remarks were nearly inaudible, but was understood to say that the object of his bill was to give the Trinity Board power of collecting the dues authorized by Law in a summary manner.⁶⁴

MR. MERRITT said he would offer no opposition to the bill, but he felt bound to express his regret that the Government had not taken up the whole subject of the Trinity Board, and the management of lights on the St. Lawrence. Throughout the whole trading community of Quebec and Montreal, there is one general complaint as to the expensive nature of the present management, and the⁶⁵ monstrous injustice that such enormous tolls as were now levied should be collected from the shipping. The light dues on vessels coming from the sea to Quebec were greater per ton than the tolls on all the canals between Kingston and Montreal, with all the expenses which had been incurred in the construction of these works.⁶⁶ How are things managed on the other side of the line?⁶⁷ Mr. Merritt then compared the system in the United States with that which prevails in Canada. There a board of five persons, who performed the work voluntarily, had a clerk at a charge of £250 a-year who managed the whole light from the sea board to Canada⁶⁸, when our expenses of management amount to £2000, which fall altogether on our trade, and virtually amount to a premium in favour of

communication through New York. From Lake Superior down to Montreal, the lights are managed by the Board of Works; those between Montreal and Quebec are under the control of the Montreal Trinity-house; and then there is the Quebec Trinity-house to manage those below that city. Great expense resulted from all this, and he hoped that in a very short time one system would prevail with regard to lights and pilotage, and that the shipping interest would be relieved from the excessive expenses with which it is now hardened.⁶⁹ He was now of opinion that the expenses of lights should be borne by the general funds of the country. But he understood that on this point he had changed his opinion, having formerly differed from the late Hon. Inspector General (Mr. Cayley) when that gentleman made the proposal to charge the lights to the consolidated fund.⁷⁰ (The hon. gentleman occupied a remote corner of the House, and was imperfectly heard in the reporter's gallery.)⁷¹

MR. INSP. GEN. HINCKS said he was one of those who believed that it is very expedient that the shipping interest should be relieved as much as possible from the charges that had been adverted to; but it was a remarkable fact that his hon. friend the member for Lincoln--who, during the time that he was a member of the Administration, had made particular inquiries on the subject, with the view of increasing the lights in the St. Lawrence--had prejudiced the merchants of Quebec,⁷² actually frightening [*sic*] the merchants from having more lights, telling them⁷³ that if they got more lights, the light dues must be increased (hear, hear) although it is admitted by masters of vessels and others that more lights are necessary in order to improve the navigation of the St. Lawrence.⁷⁴ [He] was glad of the change of mind on the part of the hon. member for Lincoln⁷⁵. The Government will be prepared to submit to the House during the present session, the propriety of taking measures to place in that river those new lights which⁷⁶ he thought absolutely necessary,⁷⁷ and it is not their intention in any way to increase the charges on the shipping interest. (Hear.) He looked forward to the time when the whole of these dues will be taken off. The question, whether the lights can be better managed through the medium of the present Trinity Corporation, or of the Board of Works, was altogether distinct, and required the most careful consideration. He was not now prepared to say that any advantages would be gained by putting the whole under the Board of Works. The present system has been in operation a considerable time; the members of the Boards are generally engaged in the trade of the country, and undertake their duties without salary; and it is very questionable, whether a saving would result from any change in the mode of administration.⁷⁸

MR. MERRITT denied that he ever terrified the merchants of Quebec in the manner described by the hon. Inspector General. He (Mr. M.) said to them, "If you put more lights than are necessary, of course the cost must be paid for out of the trade." (Laughter.)⁷⁹

MR. CAUCHON recollected well the queries put to the Quebec Board of Trade by the member for Lincoln, who said, "Is such and such a light required? Remember, if you need more lights you must pay for them." The Board of Trade, rather than pay heavier dues, said they did not want any more lights. This was not the time for discussing the question, whether these lights ought not to be put altogether on the consolidated fund.⁸⁰

MR. G. SHERWOOD said, another charge of which the shipping interest had good reason to complain, was that which appeared in the shape of insurance. In the fall of the year, and at certain other times, the insurance actually rises to 7½ per cent. This was much too high, and in fact explained how it is that the cost of the transit of a barrel of flour via New York, is less than it is via Quebec.--The remarks had fallen from hon. members explained the extra-

ordinary statements put forward by the Quebec Board of Trade, whose letters on this subject had been everywhere laughed at as ridiculous. He trusted that the Government would take the subject into consideration during the present Session, with the view of determining whether they cannot take the lights under their own control, and place them under the supervision of the Board of Works.⁸¹

MR. CAYLEY said the insurance often amounts to ten per cent. He had always maintained that the tolls on the different canals between Montreal and Kingston should be kept as low as possible, and he trusted to see the light and other duties on the navigation between Montreal, and Quebec materially lessened, if not altogether taken off the shipping interest. We have a very large revenue, raised in a way which is felt by the country as little as possible, and he hoped that whenever reductions do take place, relief will be afforded to the shipping interest.⁸²

MR. STEVENSON was understood to remark, that the improvement of the navigation above that port is to be extended in any considerable degree.⁸³

MR. ROBINSON read some Correspondence from the Board of Trade of Quebec, which he thought was⁸⁴ not so absurd as it appeared⁸⁵, [and] well worthy [of] the consideration of the House.⁸⁶ The insurance amounted not only to 7 per cent, but to £10 10s. per cent.⁸⁷ Any reform, however, to be made, must he thought be brought forward by Government themselves, for if they leave it to any private member, it will not succeed.⁸⁸

MR. AT. GEN. LAFONTAINE was satisfied that the hon. member for Lincoln considered every change a reform. It would, however, be much more ready, at all events, to place the management of the lights under the Board of Works. It would be impossible for them to manage it without increased assistance. But the only thing he imagined which was found fault with was that in New York, the Managers of Lights were called Commissioners, and they should be called Commissioners in Canada because they were so termed in New York⁸⁹, just as he thought that certain officers called townshippers in the State of New York ought to be called townshippers here.⁹⁰ But would that make any diminution in the expenditure? Not at all.⁹¹ On the contrary, he thought that the change from the Trinity Boards to the Board of Works would add greatly to the expense; for the present managers received no pay, and the Board of Works could not act without an increased staff. As to anything which came from the Quebec Board of Trade, he was of opinion that the less said about it the better, for⁹² he never saw a public body with narrower minds than the Board of Trade of Quebec.⁹³ [Il dit] Qu'il était connu que de nouveaux phares étaient nécessaires au commerce, et que ce corps n'en voulait pas parce qu'on lui avait dit que le commerce aurait à les payer; qu'il était bien connu qu'il ne faisait tout ce bruit contre la Trinité de Québec, que parce que l'un de ses membres avait été éliminé de cette dernière par un amendement à l'acte de la Trinité, proposé par le député de Gaspé; que sa conduite envers le commerce et par rapport à la police marine était telle que les capitaines des bâtiments qui fréquentent le port de Québec avaient été obligés de déclarer publiquement, que le bureau du commerce ne représente plus les intérêts des propriétaires de bâtiments, et avec raison que plusieurs de ses membres sont intéressés à la désertion des matelots, le seul moyen qu'ils aient d'équiper leurs bâtiments neufs; qu'il y en avait qui s'imaginaient que tout changement était une réforme; mais que le gouvernement avait la preuve sous les yeux, en chiffres, que la surveillance des phares par le bureau des travaux publics coûtait plus cher que par les maisons de Trinité.⁹⁴ If the matter were left to the intelligent members of the Board of Trade of Quebec, he would despair of any improvements below Quebec. The hon. member for Simcoe had proposed no changes.⁹⁵

MR. ROBINSON stated that it was only within these few days, that the subject had been brought before his notice by the parties in Quebec.⁹⁶

MR. CHABOT considered the conduct of the Trinity Board was inexplicable, he thought it necessary to have some improvement made, if they wished to reduce the rate of insurance, which last year amounted to 8 per cent. The Trinity Board of Trade of Quebec, was a judiciary body deciding contests between Pilots and ship-owners, and they sit throughout the summer months every day for that purpose. He did not think it would at all diminish the expenses to have the management of the Light Houses placed under the controul of the Board of Works.⁹⁷

(48)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Court of
Queen's Bench
Act Amendment
Bill (L.C.).

The Order of the Day for the second reading of the Bill to amend the Act establishing the Court of Queen's Bench for Lower Canada, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday

*next.*⁹⁸

MR. AT. GEN. LAFONTAINE ... [explained] that it was intended to obviate the difficulty experienced under the present act, of obtaining a quorum [sic], when one of the judges is disqualified, or absent on leave.⁹⁹

(48)

West Gwillim-
bury Old Sur-
vey Bill.

*The Order of the Day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township of East Gwillimbury in the County of York," being read;*¹⁰⁰

MR. AT. GEN. BALDWIN [moved] the several Petitions presented to this House in favour of the said Bill ... [be] read.¹⁰¹

(48)

Ordered, That the several Petitions presented to this House in favor of the Bill, be now read.

The said Petitions were read accordingly.

Ordered, That the Petition of the Municipal Council of the County of Simcoe against the division of the Township of West Gwillimbury, be now read.

The said Petition was read accordingly.

MR. MACKENZIE moved the second reading of the Bill to annex the old survey of West Gwillimbury to the County of York.¹⁰² He said that the members of East and West Gwillimbury [sic] both desired this annexation; and he described the geographical locality of West Gwillimbury [sic], which made it exceedingly inconvenient, in consequence of a swamp between West Gwillimbury [sic] and the County of Simcoe, for the inhabitants to get to the present County town.¹⁰³ As far as the memory of man goes, this swamp--which extends about eight miles--had been impassable, and there was no likelihood of its being filled up. The people are so desirous of the change that they are willing to pay the taxes which they at present pay to the county of Simcoe, and submit to be taxed by the county to which they wished to be annexed. Opposition had been made to it by the county council of Simcoe,¹⁰⁴ arising from obligations, which the county had undertaken, such as the debt for the gaol, the proposal to help the railway, &c.¹⁰⁵ They

have agreed to spend £50,000 upon a railway, but they have not spent a penny of it yet.¹⁰⁶ These debts the people of West Gwilliambury [sic] under the present bill would be compelled to pay their share of, as at present.¹⁰⁷ But he did not think that the people on the one side of that swamp should be taxed for any measure connected with the opposite side of it, from which they could derive no benefit. It is clear, by reference to the map, that nature has pointed out that such a union is out of the question. The inhabitants find it very inconvenient for municipal purposes, and there is no reason why it should be so. It was easy to see that the idea of a small village of 500 inhabitants, the part in one county and the other part in another county, would be very inconvenient for the organization of schools and other similar¹⁰⁸ institutions, arising from the disjointed manner in which the township lay¹⁰⁹, and the fact that the people were willing to be double taxed, showed the necessity for the alteration desired.¹¹⁰

(48)

Mr. Mackenzie moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Boulton of Toronto, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. ROBINSON stated that the Council of the County of Simcoe, representing 25,000 persons had petitioned against it. Some persons had, no doubt, asked for it, but not the half of those residing in the old survey have asked for it, and many of those who had petitioned for the change did not live within the old survey. It was not true that the swamp is impassable. He could drive over it as easily as over Yonge-street, Toronto. The petitions praying for the change are signed by 132, 74 of whom reside in Gwilliambury [sic] and 58 in the adjoining Township of King, and these desire in preference to be added to the Township of King. The County Council of Simcoe representing 25,000 individuals ought to be heard in preference to the opinions of the 74 persons residing in the Township. It was not a solitary case to see townships divided by a swamp. He could mention many; and ... he contended that [as] the majority of the people had not asked for it, he did not think that the House would be justified in acceding to the measure. He would therefore move that the bill be read a second time that day six months.¹¹¹

MR. MACKENZIE made a reply to the statements of Mr. Robinson.¹¹²

MR. AT. GEN. BALDWIN said it was very true that the County Council of Simcoe were opposed to the measure; but were they the parties to be consulted in such a change. It was very evident that their interest in opposing the change was a pecuniary one. It was not the majority that should rule in such a case, but the minority--the people who live in the place and are subjected to all the inconvenience arising from the present division,¹¹³ while the others were only affected by the question of £ s. d.¹¹⁴ The very fact that they were willing to be taxed double, in order to secure this change, was evidence itself of the necessity for making it. He hoped therefore that the hon. member would not be so unreasonable as to press his amendment.¹¹⁵

MR. W. BOULTON opposed the motion¹¹⁶.

(48)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of TORONTO, Cameron of CORNWALL, Cayley, Lyon, Malloch, McConnell, Meyers, Robinson, Sherwood of BROCKVILLE, and Stevenson.--(10.)

NAYS.

Messieurs Attorney General Baldwin, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Hopkins, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, McFarland, Mongenais, Price, Sauvageau, Smith of DURHAM, Smith of WENTWORTH, and Taché.--(34.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time.

Mr. Mackenzie moved, seconded by Mr. Smith of Durham, and the Question being proposed, That the Bill be read the third time to-morrow;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Boulton of Toronto, That all the words after "be" to the end of the Question be left out, in order to add the words "committed to a Committee of the whole House, for Monday the sixteenth instant;"

And the Question being put on the Amendment;

It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be committed to a Committee of the whole House, for Monday the sixteenth instant.

Bill relating to
Deeds creating
Debts to the
Crown.

The Order of the day for the House in Committee on the Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

Then, on motion of Mr. Cauchon, seconded by DeWitt,
The House adjourned.

APPENDIX: 3 JUNE 1851.

[NOTICE OF ADDRESS RE: BRIDGE OVER ST. LAWRENCE.]¹¹⁷

MR. ROSS gave notice of an address for a survey, in order to ascertain the propriety of constructing a bridge across the St. Lawrence near Quebec.¹¹⁸

[NOTICE OF MOTION RE: EMIGRANT BILL.]¹¹⁹

MR. INSP. GEN. HINCKS gave two notices, one of which was for a bill to amend the present law relative to emigrants.¹²⁰

[POSTPONED RESOLUTIONS RE: STEAMBOATS FROM LIVERPOOL TO QUEBEC.]¹²¹

MR. MERRITT deferred until Friday, his resolutions for an address for aid from the Imperial Government for a line of steamboats from Liverpool to Quebec.¹²²

FOOTNOTES: 3 JUNE 1851.

1. NORTH AMERICAN, 6 June 1851, noted that it was often difficult to hear all the proceedings. "Numerous notices, motions, &c., are given in the House that cannot be heard, or if heard cannot be understood in the Reporter's Box...."
2. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, MONTREAL GAZETTE, 7 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, PILOT, 7 June 1851; GLOBE, 5 June 1851, and BATHURST COURIER, 13 June 1851. The debate was also reported by MONTREAL GAZETTE, 9 June 1851. A commentary on the matter appeared in L'AVENIR, 11 June 1851.
3. MONTREAL GAZETTE, 7 June 1851.
4. NORTH AMERICAN, 6 June 1851.
5. MONTREAL GAZETTE, 7 June 1851.
6. IBID., 9 June 1851.
7. BATHURST COURIER, 13 June 1851.
8. IBID.
9. NORTH AMERICAN, 6 June 1851.
10. IBID.
11. BATHURST COURIER, 13 June 1851.
12. NORTH AMERICAN, 6 June 1851.
13. IBID.
14. BATHURST COURIER, 13 June 1851.
15. NORTH AMERICAN, 6 June 1851.
16. IBID.
17. IBID.
18. BATHURST COURIER, 13 June 1851.
19. NORTH AMERICAN, 6 June 1851.
20. BATHURST COURIER, 13 June 1851.
21. NORTH AMERICAN, 6 June 1851.
22. IBID.
23. BATHURST COURIER, 13 June 1851.
24. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, and MONTREAL GAZETTE, 7 June 1851.
25. MONTREAL GAZETTE, 7 June 1851.
26. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, MONTREAL GAZETTE, 7 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851.
27. NORTH AMERICAN, 6 June 1851.
28. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, MONTREAL GAZETTE, 7 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851.
29. NORTH AMERICAN, 6 June 1851.
30. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851.
31. NORTH AMERICAN, 6 June 1851.
32. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, MONTREAL GAZETTE, 7 June 1851, MORNING CHRONICLE, 10 June 1851; GLOBE, 5 June 1851, BATHURST COURIER, 13 June

- 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The debate was also reported by: MONTREAL GAZETTE, 9 June 1851; and JOURNAL DE QUEBEC, 10 June 1851.
33. GLOBE, 5 June 1851.
 34. NORTH AMERICAN, 6 June 1851.
 35. GLOBE, 5 June 1851.
 36. NORTH AMERICAN, 6 June 1851.
 37. GLOBE, 5 June 1851.
 38. NORTH AMERICAN, 6 June 1851.
 39. GLOBE, 5 June 1851.
 40. NORTH AMERICAN, 6 June 1851.
 41. MONTREAL GAZETTE, 7 June 1851.
 42. NORTH AMERICAN, 6 June 1851.
 43. MONTREAL GAZETTE, 7 June 1851.
 44. NORTH AMERICAN, 6 June 1851.
 45. MONTREAL GAZETTE, 7 June 1851.
 46. IBID.
 47. The following papers reported the debate on this matter in identical accounts: EXAMINER, 4 June 1851, MONTREAL GAZETTE, 7 June 1851; GLOBE, 5 June 1851, BATHURST COURIER, 13 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The debate was also reported by MONTREAL GAZETTE, 9 June 1851.
 48. GLOBE, 5 June 1851.
 49. MONTREAL GAZETTE, 7 June 1851.
 50. NORTH AMERICAN, 6 June 1851.
 51. MONTREAL GAZETTE, 7 June 1851.
 52. GLOBE, 5 June 1851.
 53. NORTH AMERICAN, 6 June 1851.
 54. MONTREAL GAZETTE, 7 June 1851.
 55. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1851, MORNING CHRONICLE, 4 June 1851, BRITISH WHIG, 4 June 1851, MONTREAL TRANSCRIPT, 5 June 1851, PILOT, 5 June 1851, LA MINERVE, 5 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The report was also reported by GLOBE, 5 June 1851.
 56. NORTH AMERICAN, 6 June 1851.
 57. IBID.
 58. IBID.
 59. IBID.
 60. IBID.
 61. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851.
 62. NORTH AMERICAN, 6 June 1851.
 63. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 4 June 1851, MORNING CHRONICLE, 4 June 1851, BRITISH WHIG, 4 June 1851, MONTREAL TRANSCRIPT, 5 June 1851, PILOT, 5 June 1851, LA MINERVE, 5 June 1851; NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The following papers reported the debate in partially identical accounts: MONTREAL TRANSCRIPT, 5 June 1851, MORNING CHRONICLE, 5 June 1851, BRITISH WHIG, 5 June 1851, MONTREAL GAZETTE,

5 June 1851, PILOT, 5 June 1851; GLOBE, 5 June 1851, MORNING CHRONICLE, 10 June 1851, and BATHURST COURIER, 13 June 1851. The debate was also reported by: JOURNAL DE QUEBEC, 5 June 1851; MORNING CHRONICLE, 6 June 1851; MONTREAL GAZETTE, 9 June 1851; LA MINERVE, 7 June 1851; and JOURNAL DE QUEBEC, 10 June 1851.

64. NORTH AMERICAN, 6 June 1851.
65. GLOBE, 5 June 1851.
66. NORTH AMERICAN, 6 June 1851.
67. GLOBE, 5 June 1851.
68. NORTH AMERICAN, 6 June 1851.
69. GLOBE, 5 June 1851.
70. NORTH AMERICAN, 6 June 1851.
71. GLOBE, 5 June 1851.
72. IBID.
73. NORTH AMERICAN, 6 June 1851.
74. GLOBE, 5 June 1851.
75. NORTH AMERICAN, 6 June 1851.
76. GLOBE, 5 June 1851.
77. NORTH AMERICAN, 6 June 1851.
78. GLOBE, 5 June 1851.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. NORTH AMERICAN, 6 June 1851.
86. GLOBE, 5 June 1851.
87. NORTH AMERICAN, 6 June 1851.
88. GLOBE, 5 June 1851.
89. IBID.
90. NORTH AMERICAN, 6 June 1851.
91. GLOBE, 5 June 1851.
92. NORTH AMERICAN, 6 June 1851.
93. GLOBE, 5 June 1851.
94. JOURNAL DE QUEBEC, 10 June 1851.
95. GLOBE, 5 June 1851.
96. IBID.
97. IBID.
98. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The debate was also reported by: JOURNAL DE QUEBEC, 5 June 1851; and LA MINERVE, 7 June 1851.
99. NORTH AMERICAN, 6 June 1851.
100. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851. The debate was also reported by GLOBE, 5 June 1851.
101. GLOBE 5 June 1851.
102. IBID.
103. PILOT, 7 June 1851.
104. GLOBE, 5 June 1851.
105. PILOT, 7 June 1851.
106. GLOBE, 5 June 1851.

107. PILOT, 7 June 1851.
108. GLOBE, 5 June 1851.
109. PILOT, 7 June 1851.
110. GLOBE, 5 June 1851.
111. IBID.
112. IBID.
113. IBID.
114. PILOT, 7 June 1851.
115. GLOBE, 5 June 1851.
116. PILOT, 7 June 1851.
117. The following papers reported this notice in identical accounts:
MONTREAL GAZETTE, 4 June 1851, MORNING CHRONICLE, 4 June 1851, BRITISH WHIG, 4 June 1851, MONTREAL TRANSCRIPT, 5 June 1851, PILOT, 5 June 1851, NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, and LA MINERVE, 6 June 1851.
118. MONTREAL GAZETTE, 4 June 1851.
119. The following papers reported this notice in identical accounts:
MONTREAL GAZETTE, 4 June 1851, MORNING CHRONICLE, 4 June 1851, BRITISH WHIG, 4 June 1851, MONTREAL TRANSCRIPT, 5 June 1851, PILOT, 5 June 1851, NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, and LA MINERVE, 5 June 1851.
120. MONTREAL GAZETTE, 4 June 1851.
121. The following papers reported this postponed motion in identical accounts: NORTH AMERICAN, 6 June 1851, copied from PATRIOT of unknown date, BRITISH WHIG, 6 June 1851, BRITISH COLONIST, 6 June 1851, and PILOT, 7 June 1851.
122. NORTH AMERICAN, 6 June 1851.

WEDNESDAY, 4 JUNE 1851.¹

(48)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Notman,--The Petition of the President, Directors, and Company of the Port Burwell Harbour.

By Mr. Armstrong,--The Petition of C.A. Cuthbert and others, of the Parishes of Berthier and Sorel.

By Mr. Holmes,--The Petition of F.C.T. Arnoldi, Esquire, M.D., and others, Lecturers in the St. Lawrence School of Medicine of the City of Montreal.

By the Honorable Mr. Merritt,--The Petition of the Grand River Navigation Company; and the Petition of Jacob Keefer and others, Merchants, and others, residing on and near the Welland Canal.

By Mr. Meyers,--The Petition of Zacheus Burnham and Mark Burnham.

By the Honorable Mr. Price,--The Petition of the Municipality of the Township of York.

By Mr. Laurin,--The Petition of Louis Edouard Pacaud, Esquire, of the City of Montreal.

By Sir Allan N. MacNab,--The Petition of George S. Tiffany, Esquire, and others.

By Mr. Guillet,--The Petition of F. Massicotte and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of Thomas Helliwell and others, Trustees of the Toronto General Burying Ground; praying authority to purchase a lot of ground in addition to the said Trust, and to lease a certain part of their said Trust for the purposes thereof.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying the passing of an Act granting them authority to dispose of a part of the Court House Square in the City of Hamilton for the purchase of Land more advantageously situated for the use of a Gaol and the buildings necessary therefor.

Of Adam C. Stevens, Alexander Stevens, and Joseph Stevens, sons of the late Aaron Stevens, of the Township of Niagara, County of Lincoln; praying the passing of an Act removing the Attainder against their father the said late Aaron Stevens, and empowering them, without prejudice to the rights of third parties, to hold such portion of his Estate as has not been disposed of under the authority of Law.

Of William Smith Sewell, Esquire, Sheriff of the District of Quebec, and others; representing the reduction of their respective incomes by reason of the Act 13 and 14 Vic. cap. 37, assigning fixed annual Salaries to certain Officers

(49)

of Justice in Lower Canada, and praying compensation therefor.

Of the Town Council of the Town of Brantford; praying for the passing of an Act granting to the Grand River Navigation Company certain additional powers, and also conferring authority upon the said Council to become security for the said Company to a certain amount.

Of the Honorable Christopher Widmer, M.D., and others, of the City of Toronto; praying for the passing of an Act granting to the proprietors of lots adjacent to a certain portion of the Road allowance between the first and second concessions of the Township of York, such right over the soil thereof as may enable them to restrain certain abuses thereon.

Of the Montreal Ladies' Benevolent Society; praying aid in behalf thereof.

Of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary; praying a certain amendment to the Municipal Council Act.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying that the Act 12 Vic. cap. 81, may be so amended as to provide better for the repair of town line and boundary roads by statute labor.

Of the Reverend William Squire and others, Ministers of the Wesleyan Methodist Church in Canada East, assembled in District Meeting at the City of Montreal; praying the adoption of measures for the abolition of labor on the Lord's Day, in connection with the Postal Department of the Public Service.

Of A. Henderson, Esquire, and others, of the Township of Godmanchester, and others, County of Beauharnois; praying that the said County be divided into two Circuits, and that a Court be established at the Village of Huntingdon.

Of the Reverend Robert S.C. Taylor, M.A., Rector, and others, Church Wardens of St. John's Church in the Town of Peterborough; praying authority to sell so much of the Rectory endowment of the said Church as may be sufficient to pay off the debt thereof.

Of the Municipal Council of the County of Peterborough; praying the passing of an Act to indemnify certain persons from the legal consequences incident to the quashing of a certain By-Law passed by the said Council.

Of David Thornton, of the Township of Emily; representing that he received such injury in the Militia Service during the disturbances of 1837 and 1838, as to render him unable to maintain himself and his family, and praying relief.

Of James Laidly, of the Township of Emily; praying compensation for damage done to his property in the erection of the Trent Works by the Board of Works.

Of the Reverend P.M. Mignault, Founder of the College of Chambly; praying aid in behalf thereof.

Of F.X. Cochu, of the District of Montreal, Student at Law; praying to be authorized to file his Articles of Indenture with the Board of Notaries for the District of Montreal, notwithstanding the expiration of the time allowed therefor by the Act incorporating the said Board.

Of the Municipal Council of the County of Haldimand; praying the adoption of measures providing for persons disabled, infirm, or otherwise unable to obtain support.

Of D'Alton McCarthy, of the Town of Barrie; praying for the passing of an Act authorizing the Courts of Law and Equity, in their discretion, to admit him to practise as an Attorney and Solicitor therein, respectively.

Of Mrs. Catherine Smyth, of the City of Montreal, widow of the late Honorable George Pyke; praying a grant of an annual Pension, in consideration of the services of her said late husband in his capacity of a Judge of Her Majesty's Court of King's Bench.

Of Philip Durnford and others, of Montreal; praying an Act of Incorporation for the purpose of affording security or guarantee in behalf of Public Officers, Bank Clerks, and others.

Of the Reverend A. Duranseau and others, of the Parish of St. Michel de Lachine, County of Montreal; praying a certain amendment to the Act to authorize the establishment of Mutual Fire Insurance Companies.

Of the Municipality of the Township of Drummond,--and of the Municipality of the Town of Perth; praying for the passing of an Act to promote the construction of a Northern Main Branch Railway, by the line of the Ottawa River, connecting the Cities of Montreal and Kingston.

Of Charles Sparrow and others, Directors and Trustees of the House of Refuge in Bytown; praying aid in behalf of the said Institution.

Of Thomas Ferguson and others, of the eighth concession of the Township of Edwardsburgh; praying certain amendments to the Act relating to the way and manner in which the lines of the said concession should be run.

Of William Facon, of the Village of Ogdensburgh, State of New York, Merchant; praying indemnification for the loss of his share in the Steamer "Sir Robert Peel," destroyed by brigands from Canada and the United States in the year 1838.

Of Paul Kane, of the City of Toronto, Artist; praying aid to enable him to complete a collection of sketches of the scenery of portions of Northern and Western America, and manners and customs of its inhabitants.

Of Louis Dutremble and others, Censitaires, of the Parish of Ste. Flavie; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

Of Charles N. Montizambert, Esquire, Registrar of Deeds for the County of Quebec; praying that provision be made for the security of the Public Records contained in his office, by its establishment in some place of permanent safety.

Of the Right Reverend the Bishop of Bytown, and others the Roman Catholic Clergy, and others, of Bytown and its vicinity; praying aid in behalf of the College of Bytown.

Of the Right Reverend the Bishop of Bytown, and others the Roman Catholic Clergy, and others, of Bytown, in behalf of "La Communauté des Révérendes Sœurs de la Charité" at Bytown; praying aid in behalf of the General Hospital of Bytown under the management of the said Community.

Of Alexis Rivard and Joseph Garon, Esquires, of the County of Rimouski; praying compensation for their services as Warden and Clerk, respectively, of the Council of the late Municipal District of Rimouski; and for the use of a house let by the latter for the purposes of the said Council.

Of Samuel Bradley and others, of the Parishes of St. Germain, Ste. Luce, Ste. Flavie, and Métis, County of Rimouski; praying aid to construct a Wharf and Breakwater in the said Parish of St. Germain, and for a survey to be made with reference thereto.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery;--

His Excellency
appoints to be
attended.

Mr. Speaker,

The Legislative Council acquaint this House that His Excellency the Governor General has appointed to-morrow, at two o'clock, P.M., to be attended with the

(50)

Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain; and that such Members of the Executive Council who are Members of this House will be in attendance at that time on the part of the Legislative Council.

And then he withdrew.

Members to at-
tend His Ex-
cellency with
Addresses.

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do attend His Excellency the Governor General on the part of this House, to-morrow, at two o'clock, P.M., with the Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain.

COL. PRINCE² moved to refer the petition of Mr. Cary to a select committee. The petitioner had a claim against the government for damage done to his property by the construction of some public works³, the construction of the Dundee Road⁴. That claim had been adjudicated upon by the board of arbitrators.⁵ He had been wronged by the award of arbitrators of the Board of Works, inasmuch as he had proved loss to the extent of £300, while the award had been only for £40.⁶ The

petitioner sought to obtain an opportunity to be enabled to show the injustice of that award.⁷

The motion was opposed by MR. INSP. GEN. HINCKS, who, without entering upon the details of the petition, pointed out the inconvenience which would follow the course proposed.⁸ The act of Parliament constituting the Board of Works committed the trial of cases arising between the Board of Works and individuals to a board of arbitrators; he therefore could not admit that Parliament should revise these judgments.⁹ The government had no desire to deprive any man of his just claim, but¹⁰ there would be no end to the cases which would be brought before the House, if this were allowed.¹¹

COL. PRINCE admitted the abstract justice of the Inspector General's remarks, but this case was a peculiar one. The arbitrators had listened to a statement read to them by a clerk from the board of works department. They took that statement for gospel, and awarded Mr. Cary £40, although it had been clearly proved that he had sustained damages to the extent of £300.¹²

MR. H. SHERWOOD said the appeal from the arbitrators ought first to have been made to the Law Courts, as the law permitted,¹³--to the court of equity, if the decision had been inequitable, or a court of common law, if the arbitrators had acted on corrupt motives. The final resort only should be to this house.¹⁴ At the same time he thought great injustice had been done to Mr. Cary.¹⁵

MR. AT. GEN. BALDWIN argued the impossibility of making this house a tribunal for the re-trial of cases from all the tribunals of the country.¹⁶

Some further conversation [ensued]¹⁷.

(50)

Petition of
John Carey.

Mr. Prince moved, seconded by Mr. Hopkins, and the Question being put, That the Petition of John Carey, of the Township of Toronto, County of York, representing the damage done to his property in the construction of the West Toronto Road, and of the unjust delay and final award of the Trustees of the said Road with reference thereto, and praying compensation and relief in the premises, be referred to a Select Committee, composed of the Honorable Mr. Sherwood, the Honorable Mr. Boulton, Mr. Solicitor General Macdonald, the Honorable Mr. Price, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.

Land Scrip.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General:--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 23rd July, 1850, praying that His Excellency would be pleased to cause to be laid before them, a Return of the names of all persons to whom Scrip has been issued in satisfaction of Land Claims, since the Land Act of the year 1841 came into operation, shewing the nature of the claim, date of payment, the name of the person to whom it was given, and the amount thereof; also, a List of the names of all persons still entitled to receive Scrip.¹⁸

MR. COM. CR. LANDS PRICE brought down returns in answer to an address of the House relative to Land Scrip¹⁹, showing the names of persons to whom land scrip has been issued; which had been spoken of some days ago as not having been brought down.²⁰ In doing so he called the attention of the House to a very large volume of manuscript he had in his hand.²¹ He felt it necessary to remark that it was found impossible to comply with the whole terms of the address directing this

return.--Even if completed it would be of no earthly use, while it might lead a number of persons to scour the country in search of claims. He appealed to the House whether it was right that the time of the departments should be consumed in the preparation, and the money of the Province expended in the printing of many useless returns which the House was called upon to make.²²

An Hon. Member.--The Government is responsible.²³

MR. H. SHERWOOD called him to order. He thought it very unseemly that a minister of the Government in bringing down returns, should take the opportunity of taunting the House for the impropriety of asking for them.²⁴ His whole duty was to lay it on the table.²⁵

MR. COM. CR. LANDS PRICE wished that the hon. member for Toronto had given his advice in good temper. He (Mr. Price) did not desire to exculpate the Government from any act for which they are responsible. But he did wish to draw the attention of the House to the labours thrown upon the various departments by the incessant application for returns.²⁶

MR. H. SHERWOOD.--Order.²⁷

MR. MORIN the SPEAKER.--The hon. gentleman is out of order.²⁸

MR. COM. CR. LANDS PRICE would add that the return, in answer to the address, was not complete, simply because it was impossible to complete it.²⁹

SIR A. MACNAB said the House was much indebted to the hon. Commissioner for Crown Lands, for calling attention to the waste of labour and money, involved in the preparation and publication of voluminous returns on every imaginable subject. He (Sir Allan) moved that the return now made be not inserted in the Appendices to the Journals of the House.³⁰

MR. CAUCHON seconded the motion.³¹

MR. LYON thought that the publication of the return was of the utmost importance to the public, who have a deep interest in learning how scrip was obtained, and in whose hands it is. He believed that it had been obtained in many instances in a dishonourable manner.³²

MR. H. SHERWOOD said he should vote against the motion. If the return was useless, it should have been objected to when it was moved for;³³ and not have [been] allowed ... to be brought down³⁴. Having been ordered, it ought certainly to be laid before the country. It formed part and parcel of the proceedings of the House, and on that ground should be entered on the Journals of the House.³⁵

MR. INSP. GEN. HINCKS would support the motion of the hon. member for Hamilton.³⁶ In reply to Mr. Lyon, he remarked that any person desiring information on this or any other subject, may obtain it on application at the particular department.³⁷ It was a perfect waste of money to print such a document as this, which would cost more than all the appendix.³⁸ With regard to Mr. Sherwood's objection he remarked that it is not the custom in the Imperial Parliament to print everything as a matter of course. A committee is appointed to assist the Speaker, and nothing is printed except with the consent and approbation of that committee. A similar arrangement in this Province would effect a very considerable saving³⁹, and he (Mr. Hincks) was on the point of making a proposal to the House to establish a similar rule.⁴⁰

MR. MERRITT said, the return gave no useful information, as it did not furnish the names of the parties, but merely of the agents.⁴¹

MR. COM. CR. LANDS PRICE.--It gives the names of the party entitled to the scrip, and of the agent who receives it.⁴²

MR. MERRITT said the object was to find out who were the parties entitled to the U.E. scrip, and the names of those who purchased it from the U.E.'s; with the view of ascertaining how much of the scrip went into the hands of the original claimants, and how much into the hands of speculators. As the return did not give this information, he should vote for the motion.⁴³

(50)

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Macdonald, Ordered, That the said Return be not printed in the Appendix to the Journals.

Petitions referred.

Ordered, That the Petition of M.L. Helliwell and others, residing near the line of the Welland Canal; the Petition of Philip Durnford and others, of Montreal; the Petition of George Samuel Wilkes, of the Town of Brantford, and Caira Robbins, his wife; and the Petition of the Municipal Council of the United Counties of Wentworth and Halton, be referred to the Standing Committee on Standing Orders.

Library.

The Honorable Mr. Sherwood reported, That he had carried to the Legislative Council the Message of this House on the subject of the Parliamentary Library; and that their Honors gave for answer, that they would send an answer by a Messenger of their own.

First Report of Committee on Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Company of Proprietors of the Champlain and St. Lawrence Railroad; of James Madison Andrews and others, of Port Hope; and of George Rolph, Esquire, and find that the requisite notices have been given in each case.

On the Petition of Thomas Haworth and others, for incorporation of the Western Insurance Company, the notice was continued for about six weeks only; but as the nature of the application is not such as to affect the rights of other parties, Your Committee would respectfully recommend that the notice be considered sufficient.

On the Petition of John Young, Esquire, and others, for incorporation of a Company to construct a Railway between Montreal and Kingston, the full notice of two months has only been proved as respects the Canada Gazette, published in the District of Montreal. The same notice has also appeared in the various papers published along the proposed line of Railway, but Your Committee have been unable to ascertain for what length of time the publication was continued; they have, however, received the evidence of several Members of Your Honorable House representing the localities through which it is proposed to carry the said Railroad, and they all concur in stating that the present application was well known throughout those localities, and that in several instances public meetings had been held, at which the project was fully discussed, and pledges given for subscription for a portion of the Stock by the Municipal Corporations. Under these circumstances, Your Committee would respectfully recommend that the notice be deemed sufficient.

The Petitions of Milton Ragland,--and of the Port Hope Harbour Company, Your Committee do not consider to require notice under the 64th Rule.

The Petition of William Morrin and others, for the construction of a certain line of Railway to connect the Cities of Montreal and Kingston, is not one, in the opinion of Your Committee, that can be considered as an application for a Private Bill, as the Petitioners do not ask for power to themselves to construct the said Railway.⁴⁴

SIR A. MACNAB said he had been requested by the Railway Committee to move that an Address be presented to His Excellency for a return of copies of all correspondence that has taken place between the Commissioners of the Board of Works and the Railway Companies of the Province; also, that that part of His Excellency's speech in which allusion was made to railways be referred to the Standing Committee on Railways and Telegraphs.⁴⁵

The rules of the House were dispensed with, so far as these motions were concerned. They were then agreed to unanimously.⁴⁶

MR. INSP. GEN. HINCKS ... [remarked] that he desired to avail himself of an early opportunity to announce the views of the Government on this subject.⁴⁷

(50)

On motion of Sir Allan N. MacNab, seconded by Mr. Dickson,

Railway Cor-
respondence.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to lay before this House, copies of all Correspondence that has taken place between the Commissioner of the Board of Works and the Railway Companies of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Railways.

Ordered, That that part of the Speech of His Excellency the Governor General, at the opening of the present Session of the Legislature, which relates to Railways, be referred to the Standing Committee on Railroads and Telegraph Lines.

Orders
deferred.

Ordered, That the Orders of the day be postponed until to-morrow.⁴⁸

MR. SOL. GEN. DRUMMOND moved the postponement of the orders of the day, and that the House do now adjourn.⁴⁹

COL. PRINCE--Adjourn! What for?⁵⁰

MR. SOL. GEN. DRUMMOND.--Because he believed it to be the desire of the majority of the House.⁵¹

COL. PRINCE said that a gentleman near him talked about the adjournment being intended to allow hon. gentlemen to get breakfast. (Laughter.) What an astonishing world of changes this was! Formerly people used to breakfast before dinner (laughter) and he, a plain old farmer, still continued to breakfast at six o'clock⁵², and was therefore unable to comprehend how the hon. and learned gentleman could go without his breakfast until 5, P.M. In tenderness to the gentleman who had not had his breakfast he would not say a word against the motion. (Laughter.)⁵³

(50)

*Then, on motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Boulton,
The House adjourned.*

APPENDIX: 4 JUNE 1851.

[NOTICE OF MOTION RE: A RETURN ON LAND SCRIP.]⁵⁴

MR. H. SMITH, of Frontenac, gave notice of a motion for a further return upon ... [the] subject [of land scrip]⁵⁵.

[NOTICE OF ADDRESS RE: DEBENTURES.]⁵⁶

MR. CAUCHON gave notice of a motion for the amendment of an Act enabling Her Majesty to direct the issue of debentures to a limited amount, and for giving relief to the City of Quebec.⁵⁷

FOOTNOTES: 4 JUNE 1851.

1. The MONTREAL GAZETTE, 9 June 1851, commented that "there was no debate at all; and no business of the slightest importance transacted ..." on this day.
2. The following papers reported the debate on this matter in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, PILOT, 10 June 1851, and BATHURST COURIER, 13 June 1851. The debate was also reported by: BRITISH COLONIST, 6 June 1851; and EXAMINER, 11 June 1851.
3. EXAMINER, 11 June 1851.
4. PILOT, 10 June 1851.
5. EXAMINER, 11 June 1851.
6. BRITISH COLONIST, 6 June 1851.
7. EXAMINER, 11 June 1851.
8. PILOT, 10 June 1851.
9. BRITISH COLONIST, 6 June 1851.
10. EXAMINER, 11 June 1851.
11. BRITISH COLONIST, 6 June 1851.
12. EXAMINER, 11 June 1851.
13. BRITISH COLONIST, 6 June 1851.
14. EXAMINER, 11 June 1851.
15. BRITISH COLONIST, 6 June 1851.
16. EXAMINER, 11 June 1851.
17. BRITISH COLONIST, 6 June 1851.
18. The following papers reported the debate on this matter in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, PILOT, 10 June 1851, and BATHURST COURIER, 13 June 1851. The debate was also reported by: BRITISH COLONIST, 6 June 1851; and EXAMINER, 11 June 1851.
19. BRITISH COLONIST, 6 June 1851.
20. PILOT, 10 June 1851.
21. BRITISH COLONIST, 6 June 1851.
22. PILOT, 10 June 1851.
23. IBID.
24. BRITISH COLONIST, 6 June 1851.
25. PILOT, 10 June 1851.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. BRITISH COLONIST, 6 June 1851.
35. PILOT, 10 June 1851.
36. BRITISH COLONIST, 6 June 1851.
37. PILOT, 10 June 1851.
38. BRITISH COLONIST, 6 June 1851.
39. PILOT, 10 June 1851.
40. BRITISH COLONIST, 6 June 1851.
41. PILOT, 10 June 1851.
42. IBID.
43. IBID.
44. The following papers reported the debate on this matter in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, PILOT, 10 June 1851, and BATHURST COURIER, 13 June 1851.

45. PILOT, 10 June 1851.
46. IBID.
47. IBID.
48. The following papers reported the debate on this matter in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, PILOT, 10 June 1851, and BATHURST COURIER, 13 June 1851. The debate was also reported by BATHURST COURIER, 6 June 1851.
49. PILOT, 10 June 1851.
50. IBID.
51. BATHURST COURIER, 13 June 1851.
52. IBID.
53. PILOT, 10 June 1851.
54. The following papers reported this notice in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, PILOT 10 June 1851, and BATHURST COURIER 13 June 1851.
55. PILOT, 10 June 1851.
56. The following papers reported this notice in identical accounts: GLOBE, 5 June 1851, NORTH AMERICAN, 6 June 1851, and PILOT, 10 June 1851.
57. PILOT, 10 June 1851.

THURSDAY, 5 JUNE 1851.

(51)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Malloch,--The Petition of George Paterson
and others, of Bytown and the County of Carleton.

By Mr. Bouthillier,--The Petition of the Corporation of the Seminary of St. Hyacinthe.

By Sir Allan N. MacNab,--The Petition of Mrs. Maria Wilkins, widow of the late Richard Wilkins, Esquire, of the Town of Brantford; the Petition of the Mayor, Alderman, and Commonalty of the City of Hamilton; the Petition of Samuel W. Ryckman and others; and two Petitions of the Right Reverend and Lord Bishop of Toronto, on behalf of the Clergy and Laity of the Diocese of Toronto in Conference assembled at Toronto.

By Mr. Fergusson,--The Petition of C.J. Mickle, President, and G. Pine, Secretary, of the Guelph Farmers and Mechanics' Institute.

By Mr. McFarland,--The Petition of Alexander Douglas, Esquire, and others, of the County of Welland; and the Petition of Robert Headland and others, of the County of Grenville.

By Mr. Mackenzie,--The Petition of William Murray, of the City of Montreal, Contractor; and the Petition of Alexander Campbell, of Thorah, County of York.

By the Honorable Mr. Hincks,--The Petition of Elias Snider and others, Members of the various Municipalities in the County of Waterloo, the United Counties of Wentworth and Halton, and the County of Oxford.

By Mr. Johnson,--The Petition of John Kearnes, Esquire, and others, of the United Counties of Prescott and Russell.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of W.S. Burnham and others, Sons of Temperance, praying the passing of an Act to incorporate the Order of the Sons of Temperance in Canada West.

Of the Reverend John Roaf, President, and others, Vice-Presidents, and others, on behalf of the Temperance Reformation Society of the City of Toronto; praying an Act of Incorporation.

Of Messieurs Greene and Sons, and others, manufacturing Hatters and Furriers, of the City of Montreal; praying for the passing of an Act to protect that branch of trade, by imposing a duty on manufactured articles, and admitting the raw materials free of duty.

Of the Reverend Antoine Racine and others, of Bulstrode, Aston, and St. Grégoire; praying that encouragement be given to the settlement of the Eastern Townships by opening and constructing a Turnpike Road from the south-east of the Seignior of Bécancour, in the Parish of St. Grégoire, by a certain course across the Township of Bulstrode to the tenth concession of Stanford.

Of Samuel Jenkins and others, of LaChute, in the Parish of St. Jérusalem d'Argenteuil; of John Counter, Esquire, and others, of the United Counties of Frontenac, Lenox, and Addington; of the Municipal Council of the United Townships of Bathurst and South Sherbrooke; of J.W. Anderson and others, the Municipal Councillors of the United Townships of Lanark and Darling; praying for the passing of an Act to promote the construction of a Northern Main Trunk Railway, by the line of the Ottawa River, to connect the Cities of Montreal and Kingston.

Of John Gilbert, formerly a Seaman in the Royal Navy; praying a grant of land in consideration of his services during the last war.

Of Mrs. Margaret Lunn, Directress, and others, of Lady Managers of the University Lying-in Hospital, Montreal; praying aid in behalf thereof.

Of the Right Reverend the Lord Bishop of Montreal; praying for the passing of an Act to provide for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal.

Of the Horticultural Society of Montreal; praying aid in behalf thereof.

Of Joseph Guillaume Barthe, of the City of Montreal, Esquire, Advocate; complaining of his dismissal from the Office of Clerk of the Court of Appeal for Lower Canada, and praying the adoption of certain measures for his relief in the premises.

Of James Cotton, of the City of Toronto, Esquire; praying for the passing of an Act vesting in him a certain Road allowance in the second range of Indian Lands at Port Credit, and also certain streets in the Village of Port Credit.

Of Edward Taylor Dartnell, of the City of Toronto, Esquire; praying for the passing of an Act authorizing the Courts of Law and Equity, at their discretion, to admit him to practise therein respectively as Attorney, Solicitor, and Proctor at Law.

Of the Reverend Oliver Kelly and others, Roman Catholics, of the Town of Brockville; praying a certain amendment to the Common School Act.

Of Alexander McPherson and others, of Whitby and other Townships; praying that the said Townships be formed into a new County, with the Village of Whitby as the County Town.

Of the Municipal Council of the United Townships of Mara and Rama,--and of the Municipality of the Township of Uxbridge; praying that Whitby, Pickering, Reach, and certain other Townships may be formed into a new County.

Of the Municipality of the Township of Whitby, County of York; praying that the said Township with certain others therein named may be formed into a new County.

Of Kenneth Cameron and others, of Whitby and other Townships; praying that the said Townships may be formed into a new County, with the Village of Whitby as the County Town.

Of the Municipality of the Township of Scott; praying that should a division be made of the County of York, it be so made that any County formed from the eastern part thereof may have a frontage on Lake Ontario.

Of George Thompson and others, of the Township of Scott, County of York; praying that should a division be made of the said County, it may be so made as that the new County formed from the eastern part thereof may have a frontage upon Lake Ontario, and that the said Township be included in such new County.

Of A. Ross, Esquire, and others, of the Township of Frampton; praying aid to improve the Road from the said Township to the City of Quebec.

Of Pierre Paquet and others, Censitaires, of the Parish of St. George de la Beauce, County of Dorchester; and of J. Pepin and others, Censitaires, of the County of Huntingdon; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

Of Joseph Busque, Esquire, and others, of the Parish of St. François de la Beauce, County of Dorchester; praying aid to enable them to complete a Bridge across the River Chaudière, near the Church of the said Parish.

(52)

Of C. Marseau and others, of the Parish of Ste. Anne Lapérade; praying for the passing of an Act granting indemnity to Jurors in Lower Canada for their attendance upon the Courts of Justice therein.

Of Robert Fleming and others, of South Dorchester, County of Middlesex; of Thomas Vincent and others, of the Township of Bayham, County of Middlesex; of Isaac Campbell and others, of the south part of the Townships of Westminster and Delaware, County of Middlesex; and of Francis Robinson and others, of the

Township of Aldbrough, County of Middlesex; praying that the said County be divided by a line from east to west as contemplated by the Bill to make certain alterations in the Territorial Divisions of Upper Canada.

Of D. Paterson and others, of the City of Toronto; praying the passing of an Act to enable the Toronto and Lake Huron Railroad Company to resume its operations, and to allow those subscribers who desire to withdraw therefrom to do so upon paying their proportion of any debt due by the Company.

Of W.G. Cook and others, Trustees of the Charleston Academy; praying aid in behalf thereof.

Of the Reverend F.X. Delage and others, of the Parish of Notre Dame de Bonsecours de l'Islet, County of l'Islet; praying aid to construct a Wharf or Landing-place in the said Parish.

Of Charles Dion, President, and others, the Library Association of the Teachers of the District of Quebec; praying aid in behalf thereof.

Of Benjamin Dionne, Esquire, and others, of the Parishes of St. George and St. Arsène de Kakouna, County of Rimouski; praying aid for the construction of a Landing-place on the shores of the Parish of Kakouna.

Of Charles Dion, President, and others, Teachers of the District of Quebec; praying certain amendments to the Education Law.

Of André Cimon, Esquire, and others, of Baie St. Paul; praying the amendment of the Education Law of Lower Canada.

Of P. Gauvreau, Esquire, and others, of the Parish of St. Germain de Rimouski, County of Rimouski; praying certain amendments to the Laws which govern the Seigniorial Tenure in Lower Canada.

Of Simon Ross and others, of Bagot and other Townships in the second division of the County of Saguenay; praying aid to improve the Roads and open communications through the said Townships.

Of Louis Tremblay and others, of Ste. Catharine, Rivière aux Canards, and other places, County of Saguenay; praying aid to open a Road from the River Saguenay to the west side of the River Noire.

Of the Reverend Enoch Wood and others, of the City of Toronto, Clergymen of the Wesleyan Methodist Church in Canada; praying the passing of an Act to incorporate the Connexional Society of the Wesleyan Methodist Church in Canada.

Of Alexander Scobie, Esquire, and others, of Caledonia and its vicinity; praying that the Act for the protection of the Indians may be so amended as to render them liable for their debts in all cases.

Of Christopher Brown and others, Masters and owners of British Ships trading to the Port of Quebec; praying the passing of an Act to render it obligatory upon owners of new vessels sailed from Quebec on their first voyage, to import a certain proportion of the crews of such vessels.

Of the Ladies Directresses of the Protestant Orphan Asylum of Montreal; praying the usual aid in behalf thereof.

Of Sister Ste. Jeanne de Chantal, Superior, and others, Sisters of Mercy, Directresses of L'Hôspice de la Maternité de Montréal; praying that the aid usually allowed to an Hospital in Montreal for the like purpose, which ceased to exist in 1849, may be transferred to them, with the arrears thereof.

Of Frederick C. Capreol, Esquire, of the City of Toronto; praying the passing of an Act authorizing him to construct a Canal around the Sault Ste. Marie connecting the waters of Lakes Huron and Superior, with corporate powers.

Petitions to be printed.

Ordered, That the Petition of Joseph Guillaume Barthe, of the City of Montreal, Esquire, Advocate,--and the Petition of Martin McKinnon, of the Township of Vaughan, be printed for the use of the Members of this House.

Public Debt.

Ordered, That the Statements relative to the Public Debt

of the Province of Canada, which were presented on Friday last, be printed for the use of the Members of this House.

St. Lawrence and
Lake Champlain
Railroad Branch
Bill.

Ordered, That Mr. DeWitt have leave to bring in a Bill to empower the Saint Lawrence and Lake Champlain Railroad Company to make a Branch Road to the Province Line east of the River Richelieu, and to construct a Bridge over the said River.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Petitions
referred.

Ordered, That the Petition of the British American Fire and Life Assurance Company; the Petition of the Right Reverend the Lord Bishop of Montreal; the Petition of Samuel Jenkins and others, of LaChute, in the Parish of St. Jérusalem d'Argenteuil; the Petition of Peter Hunter Hamilton, of the City of Hamilton, Esquire; the Petition of Thomas Helliwell and others, Trustees of the Toronto General Burying Ground;

SIR A. MACNAB moved for leave to introduce a bill to consolidate such of the provisions of the several Acts relative to the Great Western Railway as are now in force, and to amend the same.¹

Owing to an informality the motion was allowed to stand on the orders till the committee of standing orders reports on the petition of the Great Western Railway Company.²

(52)

and the Petition of the Great Western Railroad Company; the Petition of the Reverend Stephen Lett, L.L.D., and others, Clergy and Laity, Members of the United Church of England and Ireland, in the Diocese of Toronto; and the Petition of D. Paterson and others, of the City of Toronto, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of the Reverend J.H. Dorion and others, Catholic Missionaries in the Eastern Townships; the Petition of the Reverend Antoine Racine and others, of Stanford, Blanford, Blustrode and Maddington, District of Three Rivers; and the Petition of M. Noel and others, of Arthabaska, Chester, and Warwick, District of Three Rivers, be referred to the Select Committee appointed to enquire into the causes which prevent or retard the settlement of the Eastern Townships in the Districts of Three Rivers, St. Francis and Quebec.

Resolved, That the Petition of W. Allison, Esquire, and others, be referred to a Select Committee, composed of Mr. Mackenzie, Mr. McFarland, Mr. Smith of Durham, Mr. McConnell, and Mr. Prince, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Good Order
Bill.

Mr. Jobin reported from the Select Committee on the Bill to amend the Act of Lower Canada passed for the better preservation of Good Order in Churches and places of Public Worship, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

(53)

Montreal and
Kingston Rail-
way Company Bill.

Ordered, That Mr. Cartier have leave to bring in a Bill to incorporate the Montreal and Kingston Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Presentation
of Joint
Addresses.

Resolved, That a Select Committee, composed of the Honorable Mr. Boulton, the Honorable Mr. Attorney General Baldwin, Sir Allan N. MacNab, and the Honorable Mr. Sherwood, be appointed to prepare Reasons why this House desires a Conference with the Legislative Council upon the subject of a Message sent by the Council to this House, yesterday, respecting the presentation of the Joint Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber by the Imperial Parliament.

Resolved, That a Conference be desired with the Honorable the Legislative Council upon the subject of a Message sent, yesterday, by the Council to this House, relative to the Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber by the Imperial Parliament.

Ordered, That the Honorable Mr. Sherwood do go to the Legislative Council, and desire the said Conference.

Andrews' Road
Vesting Bill.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to vest a certain Road in the Township of Hope, in the County of Durham, in James M. Andrews and others.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Duty on Fo-
reign Timber.

The Honorable Mr. Attorney General Baldwin reported, That he had, accompanied by the other Members of this House who are Members of the Honorable the Executive Council of this Province, waited upon His Excellency the Governor General on the part of this House, at the Government House, where they met the Honorable Mr. Leslie and the Honorable Mr. Taché, from the Legislative Council, to present the Joint Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, to His Excellency; and that His Excellency had been pleased to say that he would transmit the Address to Her Majesty to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

Toronto Uni-
versity Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to amend the Charter of the University of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-fifth instant.

MR. MACKENZIE, seconded by MR. J. SMITH, of Durham, moved for leave to introduce a bill to provide for the appointment of Sheriffs in Upper Canada by the Freeholders at periodical elections.³

COL. PRINCE called on the Clerk to read the bill. The bill not accompanying the notice, the motion was allowed to stand on the orders till the bill be produced.⁴

(53)

Sheriffs (U.C.).

Ordered, That Mr. Mackenzie have leave to bring in a Bill to provide for the appointment of the Sheriffs in Upper Canada at periodical Elections by the Freeholders.

On motion of Mr. Mackenzie, seconded by Mr. Smith of Durham,

Clergy
Reserves.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Return, in continuation of the Return sent down to this House by the Provincial Secretary on the 9th of April, 1849, of all the receipts and expenditure of the Clergy Reserve monies or funds in Upper and Lower Canada, in detail, up to as recent a period as the records of the Public Offices may enable the accounting Officers to make; the said Return to shew the expenditure, with the particulars of each outlay, for 1849 and 1850, including payments, if any, in or for 1848, necessarily omitted in the Statement of April 1849,--the Salaries and Pensions paid to Missionaries of the Church of England, and their widows, in both Canadas, as per Imperial Statute 3 & 4 Vic. cap. 78,--the Allowance paid to Ministers of the Synod of the Church of Scotland, and late United Synod of the Presbyterian Church of Upper Canada, under the same authority; also, the Salaries of Wesleyan Methodist Missionaries, and all sums paid to or for the use of the Roman Catholic Church, and other denominations, and to whom and for whom paid, in both Canadas; the state of the Clergy Reserve fund or funds appropriated to the United Church of England and Ireland in the Canadas, since the 13th March, 1848, as administered by the Society for the Propagation of the Gospel in foreign parts; the monies received out of the revenue fund derived from the Lands reserved for the Clergy of the Church of England in Lower Canada since January, 1847, with the expenditure down to the early part of 1848, that is, since the dates included in the last Return to this House: the like account as to all other Clergy Reserve Lands in Lower Canada. The Return to shew, also, what balances there are of monies received out of the Clergy Reserve funds, and where deposited, and whether the Banks or other depositaries are paying interest on the said balances, and, if so, what sums have been so paid; the receipts from Lands sold or rented, the principal and interest on sales, the charges of management and to whom paid, and the disbursements.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Medical Pro-
fession (L.C.)
Bill.

Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the "Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Territorial
Divisions, and
Population (U.C.).

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Tabular Return of the number of Townships proposed to be included within each of the several Counties proposed to be formed by the Territorial Divisions Bill now before the House for Upper Canada, the number of acres of land, and the number of inhabitants in each Township, and the aggregate of such number of acres and inhabitants respectively in each intended County.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

(54)

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Licenses for
working Mines.

Resolved, That an humble Address be presented to His Excellency the Governor General, for a Tabular Return of the persons who have received Licenses for opening and working Mines on Lakes Huron and Superior, the price paid or agreed to be paid for each License, and the extent of territory included therein; and, also, a copy of the Treaty entered into with any Indian Tribes for the cession of any lands wherever Licenses have been or are intended to be granted.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Resolutions:--

Library.

Resolved, That the Honorable Messieurs DeBlaquière, Taché, Bourret, and Ross, be appointed to act on behalf of this House as Members of the Joint Committee of both Houses for the regulation and management of the Parliamentary Library, and to unite with the Members of the Honorable the Legislative Assembly named for the same purpose by the Resolution of which a copy is contained in the Message on that subject, this day received from that House.

Resolved, That the foregoing Resolution be communicated to the Honorable the Legislative Assembly.

Bill relating to
Lands and
Tenements.

The Legislative Council have passed the Bill intituled, "An Act to facilitate the leasing of Lands and Tenements," without any Amendment: And also,

Bill relating to
a Road Allow-
ance in the
Township of York.

The Legislative Council have passed a Bill, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," to which they desire the concurrence of this House.

And then he withdrew.

Bill relating to
a Road Allowance
in the Township
of York.

An engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," was read for the first time.

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Joint Stock
Road Companies.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Tabular Return of the several Companies formed in this Province under the authority of two several Acts passed in the second Session of the present Parliament, Caps. 56 and 84, authorizing Joint Stock Companies to construct Roads and other works; the amount of capital subscribed in each, whether for Roads or other works, and the extent of Road contemplated by each Company.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

DR. LATERRIERE⁵ moved for a Committee to inquire into and report upon certain petitions from Lower Canada, for aid for roads in the district of Quebec⁶, and the hon. member named the committee.⁷

MR. CHRISTIE seconded the motion. Although all money grants must originate with the executive government, he thought there was nothing irregular in the course proposed. The object was to get a dispassionate examination of the various subjects embraced in the petitions. The executive government was always composed of partisans, and looking to partisans for support; a committee chosen from all parties would, therefore, give the subject a more dispassionate consideration than the government possibly could.⁸

MR. AT. GEN. LAFONTAINE asked if it were not the intention of this motion, to obtain from the committee in question, a recommendation for granting so much money for this, and so much for the other roads mentioned in these petitions.⁹

DR. LATERRIERE admitted that it was.¹⁰

MR. AT. GEN. LAFONTAINE said that such a motion then was equivalent to a vote of want of confidence.¹¹ This mode of selecting committees introduced a new constitutional principle, which, if this motion were to pass, might be applied to every other district of Upper and Lower Canada.¹² It was to set aside the whole principle of the responsibility of ministers, and to put in its place the action of this committee. Besides the committee named would not be impartial, since the whole of them belonged to the District of Quebec.¹³

DR. LATERRIERE replied and denied that it was the intention of the motion to pass an insidious vote of want of confidence; but only to give a loyal and honest act to the cabinet.¹⁴

MR. AT. GEN. LAFONTAINE compared the reference now proposed, to a proceeding in the last parliament, when a petition by a Mr. McDonald was introduced by a member of that name, and referred to a Committee of four others, McDonald and the Mover. If this motion were carried, there would soon be many others, and on the principle, "you help me, and I'll help you," all the money would be appropriated by persons who had no responsibility to provide the ways and means.¹⁵

MR. J. SMITH (Durham) called the attention of the house to the petition of the hon. mover of the motion; referring to the opposition of the member for Saguenay to a motion to refer a similar petition last year, though the committee was not quite so one sided an affair as this.¹⁶

(54)

Petitions from Lower
Canada for aid
towards Public
Works.

The Honorable Mr. LaTerrière moved, seconded by Mr. Christie, and the Question being put, That a Select Committee of nine Members, composed of Mr. Taché, Mr. Letellier, Mr. Fournier, Mr. Lemieux, Mr. Cauchon, the

Honorable Mr. Chabot, Mr. Christie, Mr. Duchesnay, and the mover, be appointed, and that each and every Petition from Lower Canada presented to and received by this House, containing demands for money for opening new Highways, constructing Public Bridges, Landing-places or Wharves on the north and south shores of the River St. Lawrence, in the District of Quebec, be referred to the said Committee, with power to examine and enquire into all subjects and things referred to them by the House, and report from time to time their observations thereon, and to send for persons, papers, and records; the House divided:--And it passed in the Negative.

MR. MEYERS moved for leave to introduce a bill for the protection of mill owners in Upper Canada. The object of the bill was to protect the owners of mills being subject to vexatious actions from parties owning small portions of land in the vicinity.¹⁷

(54)

Water-power
Bill (U.C.).

Ordered, That Mr. Meyers have leave to bring in a Bill to encourage and protect the creation of water-power for manufacturing purposes in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Mutual Fire
Insurance
Company Bill
(L.C.).

Ordered, That Mr. Jobin have leave to bring in a Bill to authorize the establishment of a second Mutual Fire Insurance Company for the Country parts of Counties in Lower Canada in which there are large Cities or Towns.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Meeting of
Parliament.

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Sherwood, That leave be given to bring in a Bill to fix the time and place for the meeting of Parliament, and for other purposes;¹⁸

MR. MORIN the SPEAKER said he thought it his duty to mention that he believed this motion was out of order¹⁹ as it was opposed to the terms of the Union Act.²⁰

MR. H. BOULTON rose to address the chair on that point. He²¹ understood the objection of Mr. Speaker was that the bill was contrary to the Union Act. Now, if that were a proper objection at all, the time for it was on the second reading; and it would be recollected that last year this bill was permitted to be read a first time. But he denied altogether that it was a question of order. It was a question not of order, but of law, for the opinion of the House in the first place²². If this motion be doubtful, the House might nevertheless adopt it, leaving the question to be finally decided by the Imperial Government²³, that power by which the Union Act was made. In the United States, it was well known that many bills were alleged to be opposed to the constitution; but had any body ever heard that the Speaker of either House of Congress had stopped a bill as a question of order, upon the plea that it was unconstitutional?²⁴ The chair there ... decides such a point.²⁵ He cited that, because no precedents could be found in England, inasmuch as there the Parliament was absolute and had no superior rule for its guidance. Nevertheless there were some lights to be found in British practice; and he cited²⁶ from the Mirror of Parliament the decision of the Speaker of the House of Commons to the effect that it was not his duty

to interpret an Act of Parliament.²⁷ The Speaker having been called upon to give his opinion, declared that he could not do so in his quality [sic] of Speaker; but only as a member of the House, for the question to be decided was one relating to an Act of Parliament, which was not within his province, that was just the case here²⁸. The present matter was not a question of order, but of law, and the House alone could properly reject it²⁹, and indeed it was absurd to suppose the Speaker should ex officio decide the construction of an Act of Parliament; for it often happened that the gentleman who sat in the Speaker's chair was not a lawyer, and had no more technical knowledge than might be acquired by any gentleman in the course of a few Sessions.³⁰ He also referred to the rules of our own house which require the speaker to cite the rule that was infringed without comment when a point of order is raised. How could this be done in the present case? Mr. B. took upon himself to say that to the best of his judgment this was not a case in which the speaker had any right to say whether his bill was in or out of order as it was not a question of order at all³¹. He (Mr. Boulton) hoped, then, that the bill would be allowed to pass its first reading and that any discussion upon its merits would be postponed until the second reading came on.³² The house would see whether it was contrary or not to the Union Act.³³

MR. ROSS after some remarks as to whether or no the motion was out of order, as declared by the Chair, and the hon. gentleman who introduced the motion had said, that the British Parliament is omnipotent,³⁴ and acknowledged that the Provincial Parliament was not so. But if this parliament could repeal the laws of the British parliament, it must be more than omnipotent.³⁵ He would ask the hon. gentleman if he could introduce a bill the evident tendency of which would be to annex Canada to the United States--would such a question be in order?³⁶ Mr. Bolton had misunderstood his position³⁷. The hon. member here read some of the clauses of the Union Act to show that the tendency of the bill now brought forward was to repeal the act. He quoted from the 11th clause, which refers to the power conferred upon the Governor General to summon and call together the Legislature, and to the 30th clause which empowers the Governor to fix the time and place to be changed and varied as the Governor may think most convenient. He desired to know then, whether the hon. gentleman as a constitutional lawyer would say this bill was not introduced with the idea of repealing an Act of the Imperial Parliament. He surely will not say to his constituents that he intended to do so. What will England say of us, when we, a distant Colony, will introduce bills to repeal their laws. (Hear, hear.)³⁸ And ... what would British statesmen think of constitutional lawyers after seeing such antics?³⁹ He would be glad if the hon. gentleman could show any argument in support of the measure he had introduced. One thing is certain, we are a chartered Institution, and our rights are defined, and it is not decent in us to introduce bills to abrogate the laws of the Imperial Parliament, which the hon. gentleman has said is omnipotent. (Hear, hear.)⁴⁰ Last Session the question was decided to be a question of order.⁴¹

MR. AT. GEN. BALDWIN was of the same opinion as he was last session.⁴² The hon. gentleman who introduced the motion, seems to draw a distinction between Acts of Parliament and the Rules of this House, and says that because the Hon. the Speaker, is required in a question of order to cite the clause of the Act upon which the question depends, and because he cannot in this instance do so, therefore, this cannot be a question of order.⁴³ He argued⁴⁴ that if a rule of the House ought to be respected as a matter of order, certainly much more ought an act of the Imperial Parliament to be respected; especially when that Act was the law under which the Provincial Parliament was constituted.⁴⁵ The question is--is it competent for this House to entertain a bill embracing the subject

contained in the title of the bill introduced by the hon. member? If it is not, then the House ought not to entertain it.⁴⁶ It was no use to be disputing about things over which the Provincial Parliament had no power.⁴⁷ He could not very well understand the doctrine of the hon. member for Norfolk.⁴⁸ He cited to Mr. Bolton his own remarks ... on the proposed Clergy Reserves Bill⁴⁹. Last Session had admitted distinctly that the Ministry could not move a single step, without getting permission from the Imperial Parliament, but now it would seem that he does not believe in such sentiments. It seemed to him (Mr. Baldwin) perfectly plain that the House could not entertain this proposition.⁵⁰

MR. H. SHERWOOD said that this bill, or one similar, was introduced by the hon. member for Norfolk last Session. It was objected to at the time by some hon. gentleman, but in a division the House agreed to admit it. All the hon. gentleman asks now is the same permission he then enjoyed. He thought they had a right to introduce the bill for this reason, before the Speaker was called upon to give his decision upon the question of order, it is right that hon. gentlemen should be placed in possession of the bill in order to enable them to determine whether they should sustain the Speaker or not⁵¹, for members could not tell whether to vote that it was in order or not, until after they had seen what it contained.⁵² He did not think it convenient to argue such a question at present. The hon. gentleman went on at some length to instruct the Speaker in his duty.--He said the Speaker had no right to say what bill should not be introduced. He had not the power to determine what bill may be introduced, and what bill may not be introduced. The House had a right to see the bill of which the hon. member had just spoken. He (Mr. Sherwood) entertained very different opinions in reference to this measure now from those he held the last time it was introduced, which he was prepared to give reasons for in proper time. He entertained the opinion when the bill was last introduced that it was out of order, but he had satisfied himself that its tendency was not to repeal an Act of the British Constitution any more than an encreasing of the duties⁵³ during the period before the Province obtained the management of its own affairs⁵⁴ beyond what is strictly imposed by the Act of the Imperial Government would be understood as a repealing of that Act.⁵⁵ At that time the Provincial Parliament was fully competent to increase such duties; and in the same way⁵⁶ the hon. member does not say, that the Governor General shall not have the power to convene Parliament⁵⁷. The Governor might call the House together whenever he liked--50 times a year for that matter, notwithstanding this bill⁵⁸, but he says--there shall be a set time to call Parliament together. It is not restricting the power of Government in one word or sentence; it is not going one step further than the Act of Union permits us to take. We do not say we will take the prerogative away from the Government, and therefore he was decidedly of opinion that the bill should be printed. We ought not to be met by the Speaker, saying the question is out of order without first having the material before us to judge for ourselves whether it is so or not. He voted for the introduction of the measure before, and he trusted the House will decide to have it printed.⁵⁹

MR. H. BOULTON went on at some length to show that the introduction of the bill was perfectly consistent with Colonial Legislation. He referred to the quotations made from the Union Act, and the statements made by Mr. Ross, and said that when the hon. gentleman saw his bill, and could understand it a little better than he seemed to do the arguments advanced in its support, he would be in a better position to say whether the attempt was illegal or not. It was no part of the Speaker's business to say that the bill was out of order. The bill which he proposed to introduce was not inconsistent with the order of the House; it might be illegal, but it was not out of order; and whether it is illegal or no remains to be seen when it is introduced.⁶⁰ For all Mr. Speaker

knew his bill might contain a clause suspending the operation of the act till it should receive the sanction of her Majesty's Government. Now, suppose that were so, would the hon. Speaker say that the bill was out of order?⁶¹ He would not say whether it did or not. The alteration of the Civil List in 1846 was a case in point.⁶² By what right was the bill passed to repeal the Civil List? It was well known that the House had no power to repeal that law, and yet it was repealed, with a suspensory clause, which made it depend upon the sanction of the Imperial Government.⁶³ There was nothing either improper or indecent in such a proceeding. As to the merits of this Bill he believed there was but one opinion in Upper Canada.⁶⁴ He was convinced that it would confer the greatest possible boon upon the country to be informed where and at what time the Parliament would meet.⁶⁵

MR. ROBINSON said that it was evident that it was not a question of order, and he trusted the House would not throw out the bill.⁶⁶

MR. LETELLIER [spoke] in French against it⁶⁷, [and] expressed his surprise at what was taking place. At the beginning of the session the honourable member for Norfolk obtained leave to bring in a bill⁶⁸ pour restreindre l'emploi des deniers publics,⁶⁹ notwithstanding it had been opposed, and notwithstanding many members were much scandalized by it.⁷⁰ [Il] dit au parti qui supportait M. Boulton (le parti tory) qu'il n'était pas uniforme dans ses votes; ... ils avaient eu une opinion, un principe, et s'étaient prononcé, pour l'introduction du bill sous le prétexte de liberté; que plus tard les mêmes hommes n'avaient pas voulu permettre, à M. McKenzie, d'introduire un bill pour amender un acte de l'année dernière, et qu'aujourd'hui ils revenaient à leur ancien principe, sans doute pour satisfaire des vues de parti⁷¹. He could not understand this change of tactics; but besides this he would vote against the present bill, because he believed it to be unconstitutional, and because, therefore, it would be better to proceed by way of petition to the Imperial authority.⁷²

MR. MACKENZIE said this was a very important measure, and we ought to get all the reforms we could in a constitutional way.⁷³ [He] went over the proceedings at the time of the passing of the Union Act; and contended that⁷⁴ the Union Act originally proposed was very different from that finally passed. It proposed to base representation on population; it was an honest, good measure; and its passage was prevented by the Chief Justice writing a pamphlet on the subject; and by the defeat of the measure he saved the Family Compact from utter annihilation, by creating a lot of little boroughs with as much political power as the county of Middlesex.⁷⁵ [He] spoke at some length on the injustice imposed upon the country by the Union Act in reference to the representation, when one small town of 800 inhabitants⁷⁶ for example ... Sherbrook [sic]⁷⁷ was put on a par with two or three counties containing 100,000 inhabitants⁷⁸. There ought, therefore, to be the widest possible latitude afforded to the repeal of that law. It was absurd to say it was unconstitutional to pass a law like this, with a suspending clause. What was done with the Post Office Bill? It was well known that a law was passed on that subject, which was good for nothing, until it had been made all right by an Imperial Act. The hon. member then gave an amusing account of the wonderful travels of the Seat of Government, which took refuge under the guns of Quebec; but set out from Montreal to reach that place by way of Toronto.⁷⁹ They might possibly go beyond the Rocky Mountains or down to Gaspé. Quebec was a most inconvenient place for nine-tenths of the people of the country, and was it to be said that we could pass a bill recording our opinions on the necessity of fixing the Seat of Government permanently at some particular place? This plan of moving backwards and forwards, getting 1,000 packing boxes here and a 1,000 there was ridiculous.⁸⁰ No wonder⁸¹

the very sarcastic question put by Daniel Webster to the hon. Inspector-General--wishing to know where the Capital of Canada was.⁸² He must say, however, that it was too bad for the hon. member for the Fourth Riding to treat as he did⁸³ with such contempt a bill by the hon. member for Norfolk.⁸⁴ Some time ago the hon. member for Norfolk had been recommended to the electors as a most important member of the Ministerial party. Indeed he was so wonderfully learned, that he had been Attorney General⁸⁵ some 40 or 50 years since⁸⁶ at a time to which the memory of man scarcely extended--a period when the rest of the House were Clerks of Assizes, or Printers, or Generals, or Corporals⁸⁷; yet here is the sage of the law, the hon. and learned member for Norfolk, and we say we will not allow him to bring in a bill at all, because it is out of order.⁸⁸ Was it not reasonable to expect something that would keep within the law, from such a sage of the law? Why could he not drive a coach through an Act of Parliament as well as Mr. O'Connell?⁸⁹ It seemed a great absurdity. (Hear, hear.) It ought to be recollected that they had to send to London to state that they wanted the next session of Parliament to meet at Toronto, and tust [sic] her Majesty's despatch gave them the power to hold the legislature here.--⁹⁰ For his own part, he wished to have a seat of government fixed in one place, in order to avoid an expense of \$50,000 every now and then, for running about the country⁹¹ as they have been doing, and were still intending to do. He recommended the plan of getting a steamboat filled up for the Legislative Assembly, with a nice place for the Speaker's chair that they might sail up and down the lakes at their pleasure.⁹²

MR. CAUCHON.--That's not the question before the House.⁹³

MR. MACKENZIE.--was speaking to the question. The Government was going to be reared within the walls of Quebec, a most inconvenient place for nine-tenths of the country. He then referred to his election in Haldimand as having successfully defeated the ministerial candidate, and concluded by urging upon the House to admit the bill.⁹⁴

MR. RICHARDS thought the hon. member for Toronto must have been greatly edified by the remarks of the hon. member for Haldimand, since the hon. member for Toronto had been the person who moved the alternate system⁹⁵, proposing the change in the Seat of Government,⁹⁶ which was seconded by Mr. H.J. Boulton, who, for some reason, was at that time very anxious to get out of Montreal. He had no desire to discuss the question of holding fixed Parliaments.⁹⁷ The hon. member for Haldimand had dwelt upon a variety of topics not at all bearing upon the question.⁹⁸ [He] contended that under the Union Act the house had no power to pass the measure.⁹⁹ He could easily understand that it might be often expedient not to have the time fixed for the meeting of Parliament; and he wished to have no change of the present law.¹⁰⁰ [OR] He could easily fancy that it would be desirable to call Parliament together at particular seasons every year, but he could also fancy persons living near Toronto very desirous to have Parliament here, while others may wish to have it somewhere else. While that is the case, he is quite desirous that this absurd system of alternate Parliaments should be tested. This Legislature has declared that it is their desire that it shall be tested, and the hon. gentlemen may rest assured that it will be tested; but he had no doubt that Parliament would settle down in some fixed place by-and-by.¹⁰¹

MR. INSP. GEN. HINCKS said, there are some hon. [gentlemen] who always take a crooked way to arrive at their object, and he thought the majority of the House would agree with him in saying that the hon. member for Norfolk and the hon. member for Haldimand are generally disposed to take that crooked course. (Hear, hear.) Without any reference to the question as to the expediency that the time and place for the meeting of Parliament should be fixed, he would say,

that the house had experience that the Imperial Parliament are not indisposed to meet the wishes of the Legislature of this country when asked in a proper way. The hon. gentleman referred to the steps taken on the Clergy Reserve question and the Civil List. In regard to the Civil List, it had been suggested that we should vote a Civil List ourselves. Now it was perfectly evident, that the House would be stultifying itself by consenting to the introduction of this bill after the proceedings of last session. He did not think there was another member but the member for Norfolk who would persevere in bringing in a bill in express violation of the constitution. They could only judge of the bill by the title, which states that it is a bill to fix the time and place for the meeting of Parliament. That is in direct violation of the Constitution Act. The hon. member for Toronto argued because the bill was introduced last session, therefore we should not object to it, but on its second reading. At the time of its introduction, no person took objection to it, their attention being directed to the merits of the question; but after it came to the second reading, it was shown to be in direct violation of the Constitution Act, and the House decided that it was so. Now in this session to act contrary to that opinion, would be to stultify ourselves entirely. One remark he desired to make as to the result of the Haldimand election, and that was, that he was satisfied that the hon. member¹⁰², Mr. Mackenzie, had nothing to boast of, as he was not elected by¹⁰³ anything like the majority of the electors of that county. (Hear.) A division in the ranks of those who did not desire to see him brought to this house--being convinced that his course would be just what it has been since he came here. Loud cries of "hear," "order," and "question," rendered the remainder of the sentence inaudible. He said it would be well for hon. gentlemen to bear in mind the statements that had called forth these remarks.¹⁰⁴ He was dilating upon the use Mr. Mackenzie made of his election, and contending that this was to obstruct the business of the country¹⁰⁵.

MR. H. SMITH (Frontenac) rose to a question of order, the hon. Inspector General was speaking beside the question¹⁰⁶. The question was upon fixing the time and place for the meeting of Parliament, was the subject before the House, while the hon. member was discussing the election of Haldimand.¹⁰⁷ They had nothing now to do with the Haldimand election.¹⁰⁸

MR. MORIN the SPEAKER said the hon. gentleman was trespassing rather beyond the question¹⁰⁹ as had also been the hon. member from Haldimand.¹¹⁰

MR. INSP. GEN. HINCKS was aware that he was not speaking to the question, but he had been compelled to allude to the subject introduced.¹¹¹

MR. H. BOULTON rose amidst cries of (spoke, spoke,) he said the remarks of the hon. Inspector General were extremely impertinent, and that the Speaker should have called him to order when he said that his (Mr. Boulton's) policy¹¹² to obtain his ends¹¹³ was crooked. (Order, order.)¹¹⁴ He (Mr. B.) had taken the nearest road to obtain his object.¹¹⁵

MR. INSP. GEN. HINCKS.--I treat him with perfect contempt. (Order, order.)¹¹⁶

MR. MORIN the SPEAKER here called the hon. member to order. Such expressions could not be permitted to be used.¹¹⁷ [He] said his deficient knowledge of the English language made him hesitate when the hon. member used the word crooked, whether he was in order or not.¹¹⁸

MR. H. BOULTON made a few more remarks, contending the bill now before the House was not in violation of the Union Act.¹¹⁹

MR. J. SMITH (Durham) took the same view.¹²⁰ He had referred to the consti-

tutional act to see what were the powers of this parliament¹²¹, [and] contended that the bill was not a violation of the Union Act. The House had power to pass laws not repugnant to the act. There were two ways of proceeding with matters relating to the Union Act--the one by [sic] bill, and the other by an address. The proceedings upon the Clergy Reserve question was of the former description, while the proceedings in reference to the Civil List belonged to the latter kind. The hon. Inspector General, in alluding to the alteration in the Civil List, said it was¹²² not analagous because there had been correspondence¹²³ between this Government and the Colonial Office¹²⁴ on the subject. He (Mr. S.) wished to ask those who opposed the introduction of this measure to say whether¹²⁵ it was the fact that that correspondence took place with the Colonial Secretary, that made that course constitutional.¹²⁶ [Had] that correspondence made legal an act which would otherwise have been illegal? Could a despatch of the colonial secretary set aside the constitution?¹²⁷ No man will say so. If that did not make it constitutional, he would say that the course pursued by his hon. friend in bringing forward this measure, was not more unconstitutional than the course pursued by Government in reference to the Civil List.¹²⁸ He should like an explanation upon that point.¹²⁹ He was in favour of having the time and place for the meeting of parliament fixed by statute, and being in favour of that, he would vote for the introduction of the bill, but he had no right to find fault with those who might vote against him, if they were of the opinion that this time and place should not be fixed.¹³⁰

MR. ROSS again quoted from the Constitution Act, to show that the very title of the bill was repugnant to that Act.¹³¹

MR. CHAUVEAU said when the bill was introduced last Session he voted against it for several reasons which he then urged. One of these was the permission given to the Legislature to make a change in the Union Act by a two-thirds vote. It would be a most extraordinary anomaly, if part of that Act could be altered by a bare majority, while other parts of it such as a change in the Territorial divisions and representation, required a two-thirds vote. The bill before them did not attempt to modify or alter the Union Act, it would take away the prerogative from the Executive.¹³² He should vote in favour of a decision of the same kind as given last session.¹³³ He then alluded to the remarks made to the Speaker by the hon. member who introduced the bill as to whether or not it was a question within the Speaker's Province to say it was out of order, and concluded by a reference to the remarks of the hon. member for Haldimand in allusion to the inconvenience of the Parliament meeting in Quebec.¹³⁴ He asked if the hon. member ... meant to assert that this place was not as inconvenient for the members from Lower Canada, as Quebec would be for those from Upper Canada.¹³⁵ The hon. member ... spoke as if the whole country, was in the county of Haldimand.¹³⁶

MR. MORIN the SPEAKER then gave his opinion that the motion was not in order, being opposed to a provision of the union act.¹³⁷

MR. H. BOULTON appealed from the decision.¹³⁸

(54)

Mr. Speaker declined receiving the Motion, declaring that it was not in order, being repugnant to the provisions of the Act of the United Kingdom 3 & 4 Vic. cap. 35, sec. 30.

And an appeal being made to the House from Mr. Speaker's decision; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Flint,

Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Mongenais, Morrison, Price, Richards, Ross, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Stevenson, Taché, and Wilson.--(37.)

NAYS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cayley, Christie, Holmes, Hopkins, Lyon, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, Merritt, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, and Smith of FRONTENAC.--(21.)

So the decision of Mr. Speaker was confirmed.

Kingston and
Toronto Junc-
tion Railroad
Company Bill.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to incorporate the Kingston and Toronto Junction Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh instant.

Bill relating to
Meetings of
Relations and
Friends.

Ordered, That Mr. Lacoste have leave to bring in a Bill to allow Notaries to call meetings of relations and

(55)

friends in certain cases without being thereto specially authorized by a Judge, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. ROSS moved for leave to introduce a bill for the relief of bankrupts, and the administration of their effects. He regarded it as impossible that we can do without a bankrupt law.¹³⁹

(55)

Bankrupts
Relief Bill.

Ordered, That Mr. Ross have leave to bring in a Bill to provide for the relief of Bankrupts and the administration of their Estates.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the nineteenth instant.

Railway Cor-
respondence.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following

Return:--

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 4th instant, praying His Excellency will be pleased to direct the proper Officer to lay before this House, copies of all Correspondence that has taken place between the Commissioner of the Board of Works and the Railway Companies of this Province.

By Command.

J. LESLIE,
Secretary.

Provincial Secretary's Office,
Toronto, 5th June, 1851.

Public Works,
Toronto, 31st March, 1851.

Sir,--In consequence of a general Order in Council, referring to the construction of Railways, lately communicated to this Department, I am instructed to enquire whether it is the intention of the Directors of the Great Western Railroad Company to seek for the application of the "Railway Guarantee Act" in the prosecution of their work; and, if so, to request that the Directors may be pleased to order that the Engineer of this Department be permitted to have access to the Plans, Surveys, and Estimates, as well as to all Contracts entered into,--in short, that he may be allowed such free communication with your Engineer and Accountant Office as will enable him to afford to the Commissioners of Public Works full information upon the several points which they may consider it their duty to enquire into, and to inform the Honorable the Executive Council upon, in all cases previous to the "Guarantees" being called for.

(Signed,) T. A. BEGLY,
Secretary.

John Gilkinson, Esquire,
Secretary,
Great Western Railroad Company,
Hamilton.

Public Works,
Toronto, 31st March, 1851.

Sir,--In consequence of a general Order in Council, referring to the construction of Railways, lately communicated to this Department, I am instructed to inquire whether it is the intention of the Directors of the Toronto, Simcoe, and Lake Huron Railroad Company to seek for the application of the "Railway Guarantee Act" in the prosecution of their work; and, if so, to request that the Directors may be pleased to order that the Engineer of this Department be permitted to have access to the Plans, Surveys, and Estimates, as well as to all Contracts entered into,--in short, that he may be allowed such free communication with your Engineer and Accountant Office as will enable him to afford to the Commissioners of Public Works full information upon the several points which they may consider it their duty to enquire into, and to inform the Honorable the Executive Council upon, in all cases previous to the "Guarantees" being called for.

I am, Sir,
Your obedient Servant,
(Signed,) T. A. BEGLY,
Secretary.

F.C. Capreol, Esquire,
Secretary,
Toronto and Huron Railroad Company.

Office of Great Western Railroad Company,
Hamilton, 3rd April, 1851.

Sir,--I am directed to acknowledge the receipt of your letter of the 31st ultimo, and to acquaint you in reply, that it is the intention of this Company to apply to the Government for its assistance under the "Railway Guarantee Act;" and I have further to state the pleasure it will afford the Board of Directors to grant every facility possible, in order that the Engineer of Public Works may have free access to and obtain the fullest information respecting every department of the Company.

I have the honor, &c., &c.,
(Signed,) J. GILKISON,
Secretary.

T.A. Begly, Esquire,
Secretary, Public Works,
Toronto.

Toronto, 8th May, 1851.

Sir,--I have the honor to inform you that your letter of the 31st March, addressed to Mr. Capreol, has been laid before the Board of Directors; and, in reply, I am directed to say that as soon as the Engineers have finished their survey, which is near its completion, every information will be afforded to the Engineer employed by the Board of Works whenever he may call at the Railroad Office for that purpose.

I am further directed to say that the Company have every desire to afford the Government the fullest information upon every point connected with the progress of the work.

I am, Sir,
 Your most obedient Servant,
 (Signed,) GEO. BARROW,
 Secretary.

T.A. Begly, Esquire.

Ordered, That the said Return be referred to the Standing Committee on Railroads and Telegraph Lines.¹⁴⁰

MR. INSP. GEN. HINCKS in presenting a return to the house, stated that it was the intention of the government to propose changes in the railway guarantee act; one of which would be to continue the guarantee to a main trunk line.¹⁴¹

MR. ROBINSON wished to know if it was the intention of Government to exclude the Northern Railroad, for which the contract had been made upon the faith of the guarantee given, and it would be unjust on the part of the Government to break faith with this Company when so much money had been expended.¹⁴²

MR. INSP. GEN. HINCKS said it was not the intention of the government to do anything to violate the faith of the legislature¹⁴³ with any Company; they had never done so.¹⁴⁴

(55)

Territorial
Divisions, and
Population (U.C.).

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, a Return to an Address to His Excellency the Governor General,

dated this day, praying His Excellency will be pleased to cause to be laid before this House, a Tabular Return of the number of Townships proposed to be included within each of the several Counties proposed to be formed by the Territorial Divisions Bill now before the House for Upper Canada, the number of acres of land, and the number of inhabitants in each Township, and the aggregate of such number of acres and inhabitants respectively in each intended County.

Appendix (L.)

For the said Return, see Appendix (L.)

Ordered, That the said Return be printed for the use of the Members of this House.

(56)

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Price,
Emigrant Act.

Resolved, That this House do now resolve itself into a Committee to consider the expediency of amending the

Emigrant Act.

*The House accordingly resolved itself into the said Committee.
Mr. Notman took the Chair of the Committee;*¹⁴⁵

The House went into Committee of the Whole, to consider the expediency of so amending the Emigrant Act, 12 Vic. cap. 6, as to allow the payment of a sum of money, in lieu of the security by bond, required in certain cases by the 10th section of the said Act.¹⁴⁶

MR. INSP. GEN. HINCKS remarked that it had been found that some provisions of the Emigrant Act were too stringent and he proposed to assimilate it to that of New York, which gave the Emigrant Agent power of commuting bonds.¹⁴⁷

A resolution was passed¹⁴⁸.

(56)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Notman reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Magistrates
Protection Bill.

*Ordered, That Mr. Morrison have leave to bring in a
Bill to amend and consolidate the Laws affording
protection to Magistrates and others in the per-*

formance of public duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Bill relating to
Brock's Monument.

*Ordered, That Sir Allan N. MacNab have leave to bring
in a Bill to exempt from personal liability those
who may undertake the duty of superintending the*

erection of Brock's Monument.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Bill relating
to Arson.

*Ordered, That Sir Allan N. MacNab have leave to bring
in a Bill to extend the provisions of an Act, in-
tituled, "An Act to amend the Criminal Law of this*

Province relating to the offence of Arson."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. MORRISON¹⁴⁹ moved for leave to bring in a bill to repeal so much of the 31st Geo. 3, chap. 31, of the Parliament of Great Britain,¹⁵⁰ the Constitutional Act of 1791, as authorized the establishment of Rectories--the endowing them with lands, and the presentation of ministers to them by the Crown.¹⁵¹

MR. G. SHERWOOD thought there would be the same objections to this bill as were urged in the case of the one by the hon. member for Norfolk. (Hear, hear.)¹⁵²

MR. MORRISON said that he did not consider it necessary at this stage of the proceedings to enter into a debate on the subject, he would simply state that the object of the bill was to deprive the present Government, or any other Government that might hereafter exist, of the power of establishing Rectories, a power which he (Mr. Morrison) believed was fraught with much evil to the peace and welfare of the country. He desired to repeal three of the clauses of the

Imperial Act, and his reason for so doing was, that he was opposed to any connection between Church and State. These clauses of the Act authorizing the establishment of rectories and the presentation of ministers, were, in the opinion of many persons with whom he had conversed, evidence of a Church and State connection, and he (Mr. M.) was of like opinion. No matter what arguments might be used in favour of such a connection in England and elsewhere--in this country it was inconsistent with the position and circumstances of the country, and totally opposed to the genius of the people; he was opposed to granting any privilege either in form or fact, to any church--they should all stand alike with regard to the State. After the dissatisfaction exhibited at the time of the establishment of the celebrated 57 rectories, he believed no government would be so foolish as to attempt any further establishment--but he went further--he desired to deprive them of such a power--and he took for granted that no member would oppose the Bill on that ground, as no member at the present day would advocate the constitution of rectories; then, again, as to the presentation of ministers, he (Mr. M.) thought that the Bishop or the church authorities were more competent to say who ought to be the minister of a church than the Governor and Council, and he desired to deprive the government of that power, and to place it in the hands of the church, and he would also assume that no member would oppose that part of the bill. Then, as to the Rectories, he knew it was asserted that they had no authority over others than the members of their own church.¹⁵³

MR. G. SHERWOOD.--They have not.¹⁵⁴

MR. MORRISON.--If so, then members will vote for the bill, because that is all that is intended to be declared. He would reserve any further remarks until the second reading.¹⁵⁵

MR. ROBINSON thought that no Government would be so unwise as to make any more rectories; but he would wish the hon. member to point out any evil to any person in the whole province, which had resulted from the establishment of these rectories. He denied the assertion that they had done any positive harm.¹⁵⁶

MR. H. SHERWOOD objected to some statements made by Mr. Morrison as to the working of these Rectories. His attention had been called to the subject within the last three weeks, and he was satisfied that the authority of the Rector did not extend one foot beyond the church yard attached to the building itself.¹⁵⁷

(56)

Bill relating to Rectories.

Ordered, That Mr. Morrison have leave to bring in a Bill to repeal so much of the Imperial Act 31 Geo. 3, cap. 31, as relates to Rectories, and the presentation of Incumbents to the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the nineteenth instant.

Bill relating to Property sold under Execution (U.C.).

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to prevent the unnecessary sacrifice of property sold under execution in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Sydenham
Mountain
Road Act
Amendment
Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Intestates
Estates Bill
(U.C.).

Ordered, That Mr. Richards have leave to bring in a Bill to regulate the distribution of the personal estates of Intestates in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Court of Pro-
bate and Sur-
rogate Court
Bill (U.C.).

Ordered, That Mr. Richards have leave to bring in a Bill to regulate the proceedings and jurisdiction of the Court of Probate and Surrogate Court in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill to render
certain Effects
liable to sei-
zure in U.C.

Ordered, That Mr. Richards have leave to bring in a Bill to render certain effects liable to seizure under execution against Goods and Chattels in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to
Trial by Jury
(U.C.).

Ordered, That Mr. Richards have leave to bring in a Bill to dispense with Trial by Jury in certain cases in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Holmes, seconded by Mr. Notman,

Printing.

Ordered, That the Order of the day for the House in Committee on the First Report of the Standing Committee on Printing be now read.

And the Order of the day being read;

The House accordingly resolved itself into the said Committee.

Mr. Jobin took the Chair of the Committee; 158

MR. HOLMES ... Committee on 1st Report of Standing Committee, ... stated that it had been decided by the Committee to recommend that the distribution of journals be made to the Municipalities of Upper and Lower Canada, that existed, or that might hereafter be erected. It was calculated that 650 copies would be required, and that the expense would be £975. He moved a resolution to that effect. 159

MR. H. SMITH (Frontenac) should feel it his duty to vote against the motion 160

as uncalled for.¹⁶¹ He did not see any use in the proposed distribution of journals; he remembered that in Upper Canada some years ago, extra numbers of the journals were distributed among members, and these might be seen lying about in different houses, and were entirely useless. It would be folly to spend £1000 in the proposed distribution¹⁶². If the House desired to furnish the people with valuable information, the better plan would be to print and distribute an extra number of the Statutes.¹⁶³

MR. LAURIN (in French) said that this year, by a new mode of distribution, which seemed very illogical, it was proposed to expend £1000 in distributing the Journals, while, at the same time, the old custom of distributing the statutes to the Militia Officers, was altered, and that fewer officers than formerly got them.¹⁶⁴

MR. INSP. GEN. HINCKS confessed that he was disappointed at the result of the labours of the Committee, which had been less complete than he expected they would be, especially as the member for Haldimand took a part in the matter. He dissented from the remarks of the member for Frontenac, and believed that a very general desire exists to become acquainted with the official record of the proceedings of the House. The most important of the Statutes are already printed to a large extent in Upper Canada, and sold at very cheap rates. He desired to throw no obstacles in the way of the recommendation of the Committee, to distribute copies of the Journals to Municipalities, but the recommendation did not go far enough.¹⁶⁵ The municipalities did not care for a present of a few paltry volumes, worth a few shillings each.¹⁶⁶ The printers of the House ought to be required to furnish copies of the Journals and all other important Parliamentary documents¹⁶⁷ to the public at the cost of paper and press-work.¹⁶⁸ This course was pursued in England, where the Blue Books are purchased to a very large extent; and in the United States, all important papers are printed in enormous quantities for distribution. He objected to the system that now prevails here, of printing an equal number of all public documents, many of which are of no public interest, and believed that the method he had recommended would be decidedly beneficial.¹⁶⁹

MR. LETELLIER and MR. AT. GEN. LAFONTAINE opposed the report.¹⁷⁰

MR. HOLMES replied to some of the previous speakers, generally maintaining the desirableness of carrying out the resolution of the Committee. His objection to the Inspector General's plan was, that the Queen's Printer would not print the Journals to keep them on his hands as a speculation.¹⁷¹

MR. MACKENZIE took the same view, remarking that no information could be of more general use to the Province than that which is contained in the public records. He was surprised that the Attorney-General for Canada East should offer any opposition to the motion, seeing that the people of that part of the Province were continually being taunted with ignorance. Well did he remember that in 1829, a petition was sent to Britain from Lower Canada, with 80,000 names, to three-fourths of which crosses were attached. Even in Upper Canada, according to Dr. Ryerson's report, one-half of the children are not at any school. He was an advocate for the diffusion of all information; and as a politician, was anxious that documents showing authoritatively the position of the country, should be placed in the hands of the people, who would be thus enabled to check wasteful and unjust government.¹⁷² He asked if Ministers were afraid of information.¹⁷³

MR. CHAUVEAU said no member objected to the distribution of useful information,¹⁷⁴ but there was great objection to distribute such useless information as he was constantly moving for.¹⁷⁵ He was at a loss to comprehend how the

circulation of ponderous folios of statistics could have any beneficial bearing on the education of children. The member for Haldimand had elsewhere called this "The Reflecting Session"; he (Mr. C.) thought it was the great bunkum Session, for assuredly it was bunkum to clamour for retrenchment, and yet perpetually to sanction motions for the expenditure of money in useless printing. It was exceedingly bad taste in the member for Haldimand¹⁷⁶ [to have] made a very ungracious allusion to the crosses which were signed to a certain petition [and]¹⁷⁷ to taunt the Lower Canadians with ignorance,¹⁷⁸ but the hon. member should remember, that if the people of Lower Canada had been kept without education, it was partly due to the misfortunes of the days of tyranny, and partly to the fault of persons in Upper as well as Lower Canada, who had constantly encouraged¹⁷⁹ protracted and very mischievous agitation. (Hear, hear.) He moved that the Chairman do now rise and report progress, and ask leave to sit again.¹⁸⁰

MR. HOLMES opposed that, inasmuch as it would occasion increased expenses. Unless the order were given at once, the type must be distributed, and the setting up again must cost more money.¹⁸¹

MR. HOLMES and MR. G. SHERWOOD spoke in favour of an immediate decision on the Committee's proposal.¹⁸²

MR. INSP. GEN. HINCKS and MR. AT. GEN. LAFONTAINE said a few words on the other side--the former pointedly repelling an insinuation of the member for Haldimand, that the Ministry were anxious to suppress important information.¹⁸³

MR. STEVENSON also spoke in support of the amendment, of the system of selection suggested by the hon. Inspector General.¹⁸⁴

MR. SANBORN remarked that everything worthy of occupying the attention of Parliament deserves the consideration of the public; and he was therefore for printing all. Men do not take up a volume of Parliamentary records to read for pleasure, but as a matter of reference, to be appealed to, to obtain many important facts. The idea of withholding any information from the public, was calculated to perpetuate the mystery that hangs about the Government and their archives; and he regarded this mystery as one great cause of the dissatisfaction which has existed, and still exists, in the minds of the people. A great deal of wrong is often supposed to exist, where in reality there is only a great deal of mystery.¹⁸⁵

MR. HOPKINS was in favour of the original motion, regarding the cost as trivial in comparison with the benefits to be gained.¹⁸⁶

(56)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Jobin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again to-morrow.

Ordered, That the First Report of the Standing Committee on Printing be referred back to the said Standing Committee for reconsideration.

*Witnesses at-
tendance Bill.*

The Order of the day for the second reading of the Bill to authorize and enforce the attendance of Witnesses in civil cases from any part of this Province before the

Courts of Superior Jurisdiction, being read;

Ordered, That the Bill be read a second time on Monday next.

Navigation of
the Inland
Waters Bill.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the

waters of this Province," being read;

Ordered, That the Bill be read a second time on Monday next.

Transfer of
Real Property
Bill.

The Order of the day for the second reading of the Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution," being read;

Ordered, That the Bill be read a second time on Monday next.

Absent Defen-
dants Bill.

The Order of the day for the second reading of the Bill to provide a remedy against absent Defendants, being read;

(57)

Ordered, That the Bill be read a second time on Monday next.

Conciliation
Courts Bill
(U.C.).

The Order of the day for the second reading of the Bill to establish Courts of Conciliation in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Navigation
Act.

The Order of the day for the House in Committee for the purpose of taking into consideration certain Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada, being read;

Ordered, That the said Order of the day be postponed until to-morrow.

Census Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Justices of the
Peace (U.C.)
Fees Bill.

The Order of the day for the second reading of the Bill to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the Reign of King William the Fourth, chapter seventeen, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill abolishing
Imprisonment
for Debt (U.C.).

The Order of the day for the second reading of the Bill for abolishing imprisonment for Debt in Upper Canada, being read,

Ordered, That the Bill be read a second time to-morrow.

Bill relating to
Municipalities
acquiring Pub-
lic Works.

The Order of the day for the second reading of the Bill to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities, being read;

Ordered, That the Bill be read a second time to-morrow.

Then, on motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Solicitor General Macdonald,

The House adjourned.

APPENDIX: 5 JUNE 1851.

[NOTICE OF MOTION RE: TRINITY COLLEGE.]

SIR A. MACNAB seconded by MR. AT. GEN. BALDWIN, moved leave to introduce a bill to Incorporate sundry persons under the name of "Trinity College," to enable them to hold real and personal property for the purpose of said College.¹⁸⁷

Owing to an informality the motion stands as a notice for Monday next, when the Committee on Standing Orders shall have reported thereon.¹⁸⁸

[QUESTION AND ANSWER RE: CENSUS OF LOWER CANADA.]¹⁸⁹

MR. H. BOULTON enquired of the ministry whether the census for Lower Canada has been completed, and when it will be laid before Parliament.¹⁹⁰

MR. INSP. GEN. HINCKS said, the Census of Lower Canada had not been taken, nor is the attempt likely to be made, as the attempt which had been made had proved a failure; and it was proposed to adopt further legislation on the subject.¹⁹¹

[QUESTION AND ANSWER RE: SEPARATION OF CHATHAM ROAD AND RONDEAU HARBOUR.]¹⁹²

COL. PRINCE enquired of ministry whether it is their intention to retain in their own hands, under the control of the board of works, the graded road leading from Chatham in Kent to the Rond Eau [sic] harbour, and whether they are willing to surrender up such a road (retaining the harbour in their own hands) to the municipal council of Kent, or to any party or parties who will undertake to keep it in repair and fit for travelling purposes?¹⁹³

MR. INSP. GEN. HINCKS replied that it was not the intention of the government to retain the harbour, it had been their intention to dispose of both road and harbour together, but if¹⁹⁴ it were the desire of the County Council to have the road separately from the harbour, Government would be ready to separate them, and abandon the road to the Council.¹⁹⁵

[QUESTION AND ANSWER RE: SECURITIES TO BE GIVEN BY COMMISSIONER OF PUBLIC WORKS.]¹⁹⁶

MR. CHRISTIE asked of the Ministry, whether the Secretary to the Commissioners of Public Works has given security by law required of functionaries through whose hands public moneys many pass, and, if not, why not?¹⁹⁷

MR. AT. GEN. BALDWIN replied that he had not given security, and he did not think that he came under the provision of the statute requiring security to be given.¹⁹⁸ Here the hon. member read the clause of the act.¹⁹⁹ Mr. Begly can never have more than £500 in his possession at a time, while in actual practice he seldom had more than £150 in his hands. It might be found necessary for the Government to call upon Mr. Begly to give security, since it had been recommended by the Committee on Public Accounts. It was certain that during the time of the short debentures, he had a large sum in his hands. The Government would give their best attention to the subject, and were obliged by the hon. member bringing it before their notice.²⁰⁰

MR. CHRISTIE said that at one time he had had £4000 in his hands.²⁰¹

MR. AT. GEN. BALDWIN said that at the time debentures were used as money he might have had that sum in his hands.²⁰²

MR. CHRISTIE said there was not sufficient check and this complaint had been made by the Committee on the Public Accounts last year.²⁰³

MR. AT. GEN. BALDWIN said the Government would give the matter their attention, and were obliged to the hon. member for bringing the subject under their notice.²⁰⁴

[WITHDRAWN MOTION RE: ADDRESS CONCERNING CHARGES MADE BY HIGH CONSTABLE, DISTRICT OF ST. FRANCIS.]²⁰⁵

MR. SANBORN, seconded by MR. MCCONNELL, moved an Address to His Excellency, for a detailed account of certain pecunlary [sic] charges made by the High Constable for the District of St. Francis, for the years 1848, 1849, and 1830.²⁰⁶ Also for copies of proceedings of the Commissioners appointed to inquire into a seizure by officers McGowan and Dixon.²⁰⁷

MR. INSP. GEN. HINCKS said he had been looking into the practice in England in such cases, and he found that invariably the member who moved for such information was bound to satisfy the house what object was to be gained by the motion.²⁰⁸

MR. SANBORN said he had been requested by many persons to get the information with a view of seeing whether the High Constable had not made illegal charges²⁰⁹ [and] had not received more than he was fairly entitled to as remuneration for services he had performed.²¹⁰ The papers are in the Inspector General's office, and the hon. member can have access to them at any time, and may have extracts from any portions which he desires to possess.²¹¹

The motion was then withdrawn.²¹²

FOOTNOTES: 5 JUNE 1851.

1. EXAMINER, 11 June 1851.
2. IBID.
3. IBID.
4. IBID.
5. The following papers reported the debate on this matter in identical accounts: BRITISH WHIG, 6 June 1851, MONTREAL GAZETTE, 6 June 1851; BRITISH COLONIST, 6 June 1851, PILOT, 10 June 1851, and LA MINERVE, 12 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
6. GLOBE, 7 June 1851.
7. BRITISH COLONIST, 6 June 1851.
8. EXAMINER, 11 June 1851.
9. BRITISH COLONIST, 6 June 1851.
10. IBID.
11. IBID.
12. EXAMINER, 11 June 1851.
13. BRITISH COLONIST, 6 June 1851.
14. IBID.
15. IBID.
16. EXAMINER, 11 June 1851.
17. IBID.
18. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The debate was also reported by: NORTH AMERICAN, 6 June 1851; GLOBE, 7 June 1851; MONTREAL GAZETTE, 10 June 1851; EXAMINER, 11 June 1851; MONTREAL TRANSCRIPT, 17 June 1851; JOURNAL DE QUEBEC, 10 June 1851; and LA MINERVE, 12 June 1851. A commentary appeared in MONTREAL TRANSCRIPT, 17 June 1851.
19. BRITISH COLONIST, 6 June 1851.
20. GLOBE, 7 June 1851.
21. NORTH AMERICAN, 6 June 1851.
22. BRITISH COLONIST, 6 June 1851.
23. GLOBE, 7 June 1851.
24. BRITISH COLONIST, 6 June 1851.
25. NORTH AMERICAN, 6 June 1851.
26. BRITISH COLONIST, 6 June 1851.
27. NORTH AMERICAN, 6 June 1851.
28. BRITISH COLONIST, 6 June 1851.
29. GLOBE, 7 June 1851.
30. BRITISH COLONIST, 6 June 1851.
31. NORTH AMERICAN, 6 June 1851.
32. GLOBE, 7 June 1851.
33. NORTH AMERICAN, 6 June 1851.
34. GLOBE, 7 June 1851.
35. BRITISH COLONIST, 6 June 1851.
36. GLOBE, 7 June 1851.
37. NORTH AMERICAN, 6 June 1851.
38. GLOBE, 7 June 1851.
39. BRITISH COLONIST, 6 June 1851.
40. GLOBE, 7 June 1851.
41. BRITISH COLONIST, 6 June 1851.
42. NORTH AMERICAN, 6 June 1851.
43. GLOBE, 7 June 1851.

44. NORTH AMERICAN, 6 June 1851.
45. BRITISH COLONIST, 6 June 1851.
46. GLOBE, 7 June 1851.
47. BRITISH COLONIST, 6 June 1851.
48. GLOBE, 7 June 1851.
49. NORTH AMERICAN, 6 June 1851.
50. GLOBE, 7 June 1851.
51. IBID.
52. BRITISH COLONIST, 6 June 1851.
53. GLOBE, 7 June 1851.
54. BRITISH COLONIST, 6 June 1851.
55. GLOBE, 7 June 1851.
56. BRITISH COLONIST, 6 June 1851.
57. GLOBE, 7 June 1851.
58. NORTH AMERICAN, 6 June 1851.
59. GLOBE, 7 June 1851.
60. IBID.
61. BRITISH COLONIST, 6 June 1851.
62. NORTH AMERICAN, 6 June 1851.
63. BRITISH COLONIST, 6 June 1851.
64. NORTH AMERICAN, 6 June 1851.
65. GLOBE, 7 June 1851.
66. IBID.
67. NORTH AMERICAN, 6 June 1851.
68. BRITISH COLONIST, 6 June 1851.
69. JOURNAL DE QUEBEC, 10 June 1851.
70. BRITISH COLONIST, 6 June 1851.
71. JOURNAL DE QUEBEC, 10 June 1851.
72. BRITISH COLONIST, 6 June 1851.
73. EXAMINER, 11 June 1851.
74. BRITISH COLONIST, 6 June 1851.
75. EXAMINER, 11 June 1851.
76. GLOBE, 7 June 1851.
77. BRITISH COLONIST, 6 June 1851.
78. GLOBE, 7 June 1851.
79. BRITISH COLONIST, 6 June 1851.
80. EXAMINER, 11 June 1851.
81. BRITISH COLONIST, 6 June 1851.
82. GLOBE, 7 June 1851.
83. BRITISH COLONIST, 6 June 1851.
84. GLOBE, 7 June 1851.
85. BRITISH COLONIST, 6 June 1851.
86. GLOBE, 7 June 1851.
87. BRITISH COLONIST, 6 June 1851.
88. GLOBE, 7 June 1851.
89. BRITISH COLONIST, 6 June 1851.
90. GLOBE, 7 June 1851.
91. BRITISH COLONIST, 6 June 1851.
92. GLOBE, 7 June 1851.
93. IBID.
94. IBID.
95. BRITISH COLONIST, 6 June 1851.
96. GLOBE, 7 June 1851.
97. BRITISH COLONIST, 6 June 1851.
98. GLOBE, 7 June 1851.

99. EXAMINER, 11 June 1851.
100. BRITISH COLONIST, 6 June 1851.
101. GLOBE, 7 June 1851.
102. IBID.
103. BRITISH COLONIST, 6 June 1851.
104. GLOBE, 7 June 1851.
105. BRITISH COLONIST, 6 June 1851.
106. GLOBE, 7 June 1851.
107. BRITISH COLONIST, 6 June 1851.
108. GLOBE, 7 June 1851.
109. IBID.
110. BRITISH COLONIST, 6 June 1851.
111. GLOBE, 7 June 1851.
112. IBID.
113. BRITISH COLONIST, 6 June 1851.
114. GLOBE, 7 June 1851.
115. EXAMINER, 11 June 1851.
116. IBID.
117. BRITISH COLONIST, 6 June 1851.
118. GLOBE, 7 June 1851.
119. BRITISH COLONIST, 6 June 1851.
120. IBID.
121. EXAMINER, 11 June 1851.
122. GLOBE, 7 June 1851.
123. EXAMINER, 11 June 1851.
124. GLOBE, 7 June 1851.
125. EXAMINER, 11 June 1851.
126. GLOBE, 7 June 1851.
127. EXAMINER, 11 June 1851.
128. GLOBE, 7 June 1851.
129. BRITISH COLONIST, 6 June 1851.
130. GLOBE, 7 June 1851.
131. IBID.
132. IBID.
133. BRITISH COLONIST, 6 June 1851.
134. GLOBE, 7 June 1851.
135. BRITISH COLONIST, 6 June 1851.
136. GLOBE, 7 June 1851.
137. EXAMINER, 11 June 1851.
138. IBID.
139. IBID.
140. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, and GLOBE, 7 June 1851. The debate was also reported by EXAMINER, 11 June 1851.
141. EXAMINER, 11 June 1851.
142. GLOBE, 7 June 1851.
143. EXAMINER, 11 June 1851.
144. GLOBE, 7 June 1851.
145. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851.
146. BRITISH COLONIST, 6 June 1851.
147. IBID.
148. IBID.
149. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The

- debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
150. BRITISH COLONIST, 6 June 1851.
 151. GLOBE, 7 June 1851.
 152. IBID.
 153. IBID.
 154. IBID.
 155. IBID.
 156. IBID.
 157. IBID.
 158. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The debate was also reported by: GLOBE, 7 June 1851; JOURNAL DE QUEBEC, 10 June, 1851; and LA MINERVE, 12 June 1851. A commentary appeared in JOURNAL DE QUEBEC, 10 June 1851.
 159. BRITISH COLONIST, 6 June 1851.
 160. IBID.
 161. GLOBE, 7 June 1851.
 162. BRITISH COLONIST, 6 June 1851.
 163. GLOBE, 7 June 1851.
 164. BRITISH COLONIST, 6 June 1851.
 165. GLOBE, 7 June 1851.
 166. BRITISH COLONIST, 6 June 1851.
 167. GLOBE, 7 June 1851.
 168. BRITISH COLONIST, 6 June 1851.
 169. GLOBE, 7 June 1851.
 170. IBID.
 171. IBID.
 172. BRITISH COLONIST, 6 June 1851.
 173. GLOBE, 7 June 1851.
 174. IBID.
 175. BRITISH COLONIST, 6 June 1851.
 176. GLOBE, 7 June 1851.
 177. BRITISH COLONIST, 6 June 1851.
 178. GLOBE, 7 June 1851.
 179. BRITISH COLONIST, 6 June 1851.
 180. GLOBE, 7 June 1851.
 181. BRITISH COLONIST, 6 June 1851.
 182. GLOBE, 7 June 1851.
 183. IBID.
 184. IBID.
 185. IBID.
 186. IBID.
 187. EXAMINER, 11 June 1851.
 188. IBID.
 189. The following papers reported the debate on this question in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The following papers reported the debate in partially identical accounts: BRITISH WHIG, 6 June 1851, MONTREAL GAZETTE, 6 June 1851, MORNING CHRONICLE, 6 June 1851, and LA MINERVE, 7 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
 190. EXAMINER, 11 June 1851.
 191. BRITISH WHIG, 6 June 1851.
 192. The following papers reported the debate on this question in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The

- debate was also reported by EXAMINER, 11 June 1851.
193. EXAMINER, 11 June 1851.
 194. IBID.
 195. BRITISH COLONIST, 6 June 1851.
 196. The following papers reported the debate on this question in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
 197. BRITISH COLONIST, 6 June 1851.
 198. GLOBE, 7 June 1851.
 199. BRITISH COLONIST, 6 June 1851.
 200. GLOBE, 7 June 1851.
 201. BRITISH COLONIST, 6 June 1851.
 202. IBID.
 203. IBID.
 204. IBID.
 205. The following papers reported the debate on this motion in identical accounts: BRITISH COLONIST, 6 June 1851, and PILOT, 10 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
 206. EXAMINER, 11 June 1851.
 207. BRITISH COLONIST, 6 June 1851.
 208. EXAMINER, 11 June 1851.
 209. IBID.
 210. GLOBE, 7 June 1851.
 211. IBID.
 212. EXAMINER, 11 June 1851.

FRIDAY, 6 JUNE 1851.

(57)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Chabot,--The Petition of George B. Faribault, of the City of Quebec, Esquire, President of the Literary and Historical Society of Quebec.

By the Honorable Mr. Robinson,--The Petition of Robert Cotton, of the Town of Port Credit, County of York, Esquire.

By Mr. Lemieux,--The Petition of Hypolite Dubord, of the Parish of Pointe aux Trembles, Esquire; and the Petition of Jean B. Morissette and others, Censitaires and Tenants, of the Parish of Ste. Marguerite de la Beauce, County of Dorchester.

By the Honorable Mr. Badgley,--The Petition of the Honorable G. Moffatt and others, of the City of Montreal.

By Mr. Guillet,--The Petition of C. Trudel, Esquire, and others, of the Parish of Ste. Geneviève de Batiscan.

By the Honorable Mr. Macdonald,--The Petition of John Watkins and others interested in the navigation of the St. Lawrence between Montreal and Kingston; the Petition of Henry Smith, Esquire, late Warden of the Provincial Penitentiary of Canada; the Petition of Thomas Costen, of the City of Hamilton, late Head Keeper of the Provincial Penitentiary; and the Petition of the City of Kingston Water Works Company.

By Mr. Fergusson,--The Petition of the Municipality of the Township of Nichol; and the Petition of C. McGeorge and others, of the Village of Ayr.

By Mr. Seymour,--The Petition of John Boyes and others, of Amherst Island.

By Mr. Christie,--The Petition of the Quebec Board of Trade; and the Petition of Messieurs Allan Gilmour and Company, and others, Merchants, of Quebec, connected with the Lumber Trade.

By Mr. Sanborn,--The Petition of Israel Rice, of the Township of Ham, District of St. Francis.

By Mr. Cauchon,--The Petition of John Evans and others, owners and shipmasters trading to and now in the Port of Quebec.

... se plaignant de la conduite du bureau du commerce, et demandant l'organisation d'une police maritime, en vertu d'un acte du parlement et des changements à la loi qui régit l'engagement des matelots.¹

(57)

By Mr. Laurin,--The Petition of E.E. Méthot and others, of the Parish of Lotbinière.

By Mr. Dumas,--The Petition of the Reverend T.B. Pelletier and others, of the Parish of Terrebonne, County of Terrebonne.

By Mr. Ross,--The Petition of Michel Hamel and others, licensed Cullers for the Port and District of Quebec.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of the President, Directors, and Company of the Port Burwell Harbour; praying certain amendments to their Act of Incorporation.

Of C.A. Cuthbert and others, of the Parishes of Berthier and Sorel; praying the adoption of measures for the protection of muskrats and wild ducks.

Of F.C.T. Arnoldi, Esquire, M.D., and others, Lecturers in the St. Lawrence School of Medicine of the City of Montreal; praying an Act of Incorporation for the said School.

Of the Grand River Navigation Company; praying for the passing of an Act authorizing them to borrow a certain sum of money for the completion of their works.

Of Jacob Keefer and others, Merchants, and others, residing on and near the Welland Canal; praying for the construction of a Ship Canal to connect the waters of the River St. Lawrence and Lake Champlain.

Of Zacheus Burnham and Mark Burnham; praying that the allowance for Road between lots Nos. four and five in the second concession of the Township of Hope, may not be alienated from its original design.

Of the Municipality of the Township of York; praying that the Petition of the Honorable C. Widmer, M.D., and others, for the passing of an Act granting a certain portion of the Road allowance between the first and second concessions of the said Township to the proprietors of the lots adjacent thereto be not granted.

Of Louis Edouard Pacaud, Esquire, of the City of Montreal; praying for the passing of an Act authorizing him to institute legal proceedings against the Government for the recovery of compensation for his services as late Commissioner of the Court of Bankrupts for the District of Three Rivers, from 21st

(58)

April, 1844, to 17th August, 1846.

Of F. Massicotte and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain; praying the repeal or amendment of the Education Law of Lower Canada.

Of George S. Tiffany, Esquire, and others; praying the passing of an Act to incorporate the Burlington Ladies' Academy at the City of Hamilton.

Presentation
of Joint Ad-
dresses.

The Honorable Mr. Boulton, from the Select Committee appointed to prepare Reasons to be offered to the Honorable the Legislative Council, for desiring a Conference upon the subject of the Message sent by the Council to this House, on Wednesday last, respecting the presentation of the Joint Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber by the Imperial Parliament, reported that the Committee had drawn up Reasons accordingly; which were read, as follow:--

Because, in communicating their concurrence in the Address of this House passed during its present Session, to Her Majesty, upon the said subject, the Legislative Council departed from the practice and usage pursued by Parliament in England in cases of Joint Addresses to the Sovereign, which departure this House has also unintentionally fallen into.

Because by the practice in England, where a Joint Address of the Lords and Commons has been passed, the House in which it originates agrees to a form of Address, and leaving a blank for the insertion of the title of the other House, communicates it, and desires its concurrence. The blank is then filled up, and a Message is returned, acquainting the House with their concurrence, and that the blank has been filled up. The Address is then presented either by both Houses in a body, or by two Peers and four Members of the House of Commons.

Because a departure from this practice has taken place here in three instances only, besides the case referred to, by appointing the Members of the Executive Government in each House to present such Addresses, instead of two Members of the Legislative Council and four of the Legislative Assembly, irrespective of their official position, or of their connexion with the Government of the day.

Because it is the opinion of the Legislative Assembly that the practice of the Imperial Parliament should prevail here, and be rigidly adhered to as regards the Members, and the number to be selected, to present to the Governor

General Joint Addresses to Her Majesty, to be laid at the foot of the Throne, when such Addresses are not presented by the Members of both Houses generally.

The said Reasons, being read a second time, were agreed to.

Petitions to
be printed.

Ordered, That the Petition of G. Beaudet and others, Censitaires, of the Parishes of St. Clet and St. Ignace du Côteau de Lac, County of Vaudreuil, and the Petition of F. Massicotte and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain, be printed for the use of the Members of this House.

MR. JOHNSON² moved that 300 copies of the returns relating to Land Scrip, presented on the 4th inst., be printed for the use of members. His object in making the motion, was to afford means of ascertaining the extent to which frauds have been committed on the country in connection with this subject³ which he had strong reasons for believing had been extensively practised.⁴ He understood that forgeries had been in many instances perpetrated, and that scrip had thus been obtained by parties who had no right to it. Persons residing in all parts of the country have been thus robbed of their Scrip.⁵ He had applied for the land scrip properly belonging to certain persons, and had found that the claim had been already satisfied; the scrip having been issued to those who had personated them, and made false oaths of their identity before magistrates.⁶

MR. FERGUSON seconded the motion.⁷

MR. COM. CR. LANDS PRICE opposed the motion, as⁸ there was no use in printing the book, as it could afford the hon. member no kind of assistance in punishing the persons believed to have committed frauds and forgeries⁹. If parties have been robbed in the way alluded to, why do they not make application at the Crown Land Department¹⁰ and then he might put it in the hands of a prosecutor¹¹ and proceed against those who have been guilty of forgery. But the injured parties can obtain no remedy from the Government, because they have failed to comply with the requirements of the law, by applying for their Scrip within the prescribed time. Persons who had not filed their claims on the 28th February, 1850, together with the necessary evidence to substantiate their claims, are by law for ever excluded. The present return was, however, imperfect, because it simply showed that A was entitled to scrip, and that B obtained that scrip. In many cases, 7 or 8 assignments must be traced out, to establish one particular claim, and these details, though not embodied in this return, might be obtained at his office, without any difficulty.¹²

MR. JOHNSON here [gave] testimony to the facilities afforded to parties desirous of obtaining information at the hon. gentleman's department.¹³ [He] wanted the information for parties in different parts of the country who could not go to the Crown Land Office.¹⁴

MR. INSP. GEN. HINCKS did not think the motion in order alter [sic] the vote of yesterday.¹⁵

MR. MORIN the SPEAKER ruled the vote was in order.¹⁶

MR. MACDONALD had voted against printing these documents before, but after hearing the explanation of the hon. member who spoke last, he shoule [sic] vote in favour of the printing. There were men in his part of the country who lived by forging these documents,¹⁷ and thus robbing old and meritorious claimants.¹⁸

SIR A. MACNAB said that on the 4th inst., he opposed the printing of this return, but he had since been informed by a gentleman on whom he placed reliance,

that he knew the names of five individuals who have received £21,035 in land scrip, and that great rascality had been perpetrated by other parties with regard to the subject.¹⁹ He had no personal knowledge on the subject, but as the representations were made he²⁰ felt bound to afford to the return the utmost publicity.²¹

MR. H. SMITH of Frontenac said that persons in his part of the country lived by forging claims for scrip; and the printing of the return might afford the means of detection.²²

MR. INSP. GEN. HINCKS said the Government had no objection to the motion except on the score of expense, and after the statements of the hon. gentleman who had just spoken, they would withdraw their opposition to it.²³

MR. H. BOULTON spoke briefly in support of the motion.²⁴

MR. MACKENZIE suggested a typographical arrangement by which the cost of printing the return would be materially reduced; and²⁵

MR. H. SHERWOOD moved an amendment in accordance with the suggestion-- leaving the Printing Committee to determine the form in which the document should be published.²⁶

(58)

Land Scrip.

Ordered, That three hundred copies of the Return to an Address of this House to His Excellency the Governor General, relative to Land Scrip, presented on Wednesday last, be printed under the direction of the Standing Committee on Printing, in such manner and form as they may direct, for the use of the Members of this House.

Duty on Foreign Timber.

The Honorable Mr. Sherwood reported, That he had carried to the Legislative Council the Message of this House desiring a Conference upon the subject of a Message sent on the fourth instant by the Council to this House, relative to the Address of both Houses on the subject of the repeal of the Duty on Foreign Timber by the Imperial Parliament; and that their Honors gave for answer, that they would send an answer by a Messenger of their own.

Second Report on Printing.

Mr. Holmes, from the Standing Committee on Printing, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee, in obedience to the Order of Your Honorable House, have again had under consideration the Instruction of the 28th May, with the Resolution on the First Report for its commitment and re-consideration, and beg leave most respectfully [sic] to state that they have given the said Resolution all due reflection.

In making their First Report, Your Committee recommended the distribution of the Journals and Appendices, under a conviction that although the expense entailed thereby upon the country might possibly amount to no less a sum than one thousand pounds, the furnishing thereby of a reliable source from whence might be drawn correct and authentic information on all questions of political interest was ardently desired by the great body of the people of Upper Canada. Your Committee believed the best means of gratifying that desire would be the distribution of the Journals to each Municipality.

Although Your Committee had no evidence of a similar desire being expressed on the part of the inhabitants of Lower Canada, and although they were assured that no satisfactory evidence could be adduced that in Lower Canada the Municipal system was approved by the masses, except in the Townships, and some few other instances in the District of Montreal, Your Committee were desirous, in

making a Report, to avoid any thing like an approach to invidious comparisons; and although they felt constrained in their Report to state that 334 copies of the Journals would be the number required for distribution in Upper Canada, and named only 39 as the number at present necessary to supply the organized Municipalities of Lower Canada, they instructed their Chairman to explain, upon their Report being called up for consideration by Your Honorable House, that provision should be made for such number of copies as would be needful to supply to each Municipality in each section of the Province, the contemplated information; and to this conclusion they arrived in consequence of being aware that a Bill was about to be submitted by the Honorable the Attorney General for Canada East, amending the existing Act, and calculated to enforce the adoption and carrying out of the Municipal system wherever, in Lower Canada, the inhabitants evinced a determination to obstruct its working, or by apathy, to neglect the duties thereby devolved upon them.

Your Committee are further of opinion, that the English system of providing, at first cost, a supply of the Journals, to be purchased from the Publisher's, however well it may work in England, is not adapted to the fulfilment of the object contemplated in this Country. Nor are Your Committee prepared to recommend the partial printing of documents such as hitherto have appeared in the Appendices: what is considered by one party as information of no moment, is precisely what by another party may be deemed of primary importance; and therefore Your Committee abstained from recommending any deviation in that respect from the course hitherto pursued in regard to the printing of documents called for by Your Honorable House.

In conclusion, Your Committee, in making this their Second Report, beg leave most respectfully to state that they can see no sufficient reason to amend or deviate from their First Report, but unanimously adhere thereto.

(59)

Ordered, That the said Report be referred to the Committee of the whole House on the First Report of the said Standing Committee.

Petitions referred.

Ordered, That the Petition of John Counter, Esquire, and others, of the United Counties of Frontenac, Lenox and Addington; the Petition of Frederick C.

Capreol, Esquire, of the City of Toronto; the Petition of George S. Tiffany, Esquire, and others; the Petition of the President, Directors, and Company of the Port Burwell Harbour; and the Petition of the Honorable Christopher Widmer, M.D., and others, of the City of Toronto, be referred to the Standing Committee on Standing Orders.

Petitions to be Printed.

Ordered, That the Petition of the Honorable A. Dionne, President, and others, shareholders of the Society for the colonization of L'Islet and Kamouraska, and

others, and the Petition of the Municipal Council of the County of Kamouraska, be printed for the use of the Members of this House.²⁷

MR. INSP. GEN. HINCKS moved that all documents presented to the House, whether in accordance with the addresses or otherwise, be referred to the standing Committee on Printing, in order that the said committee may report, from time to time, whether, in their opinion, it may be expedient that such documents should be printed in the Appendix to the Journals. The result of this course (the hon. gentleman observed) would be largely to curtail the printing expenses.²⁸

MR. H. BOULTON opposed the motion. It would be highly dangerous to admit a practice that would allow garbled statements being put forth by a Committee which may be more or less under the influence of the government of the day. He

was satisfied that there was no money expended which the public would pay with such real satisfaction as for official information that would give a clear exposition of the proceedings of public men.²⁹

MR. SHERWOOD said he had long been of opinion that there was great extravagance in the printing of everything that came before the house. In England the practice was to submit to a committee or to the speaker the ordinary printing of the house, but they never so far as he could see, delegated to any committee the right to say what should or should not be printed in the journals. He was decidedly opposed to curtailing the history of the proceedings of this house.³⁰

(59)

Printing.

The Honorable Mr. Hincks moved, seconded by Mr. Solicitor General Macdonald, and the Question being put, That all documents presented to this House, whether in accordance with Addresses or otherwise, be referred to the Standing Committee on Printing, in order that the said Committee may report from time to time whether in, their opinion, it is expedient that such documents should be printed in the Appendix to the Journals, and that such Reports should contain an estimate of the cost of printing each document; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bouthillier, Cartier, Cauchon, Chabot, Duchesnay, Flint, Fortier, Fourquin, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Letellier, Solicitor General Macdonald, McFarland, Merritt, Mongenais, Morrison, Price, Richards, Ross, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, and Taché.--(31.)

NAYS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Dickson, Holmes, Johnson, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, Sanborn, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(20.)

So it was resolved in the Affirmative.

Montreal Harbour Tolls.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Price,

Resolved, That this House do now resolve itself into a Committee to consider the expediency of altering the Montreal Harbour Tolls.

The House accordingly resolved itself into the said Committee.

Mr. Seymour took the Chair of the Committee;³¹

MR. INSP. GEN. HINCKS said the harbour was constructed by the issue of debentures, for the interest of which, the Province is responsible.³² Debentures to a considerable amount had been issued³³. The Commissioners who manage the harbour deem another tariff necessary, and in accordance with their desire he moved a resolution affirming the expediency of adopting a higher tariff, in relation to certain articles belonging wholly to the local trade, and³⁴ altering the Montreal Harbour Tolls. The hon. member stated that last year, on the motion of the hon. member for Beauharnois,³⁵ Mr. DeWitt,³⁶ the tolls in the Montreal Harbour on firewood had been made less than was proposed by the Commissioners, but it was now represented by the latter that they were obliged to provide a certain extent of space for wood boats, for which they obtained no proportionate return, and this it was the more necessary to reform, inasmuch as the Com-

missioners were about to enter on improvements for Lake St. Peter. The design was, therefore, to put³⁷ wharfage on cord wood and³⁸ the wood-boats on the same footing as any other boats of the same size³⁹ in no way prejudicing the trade of the Province.⁴⁰

[There followed] some conversation and explanations⁴¹.

(59)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Seymour reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Monday next.

Port Hope
Harbour and
Wharf Company
Bill.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to increase the Capital Stock of the Port Hope Harbour and Wharf Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. CHRISTIE⁴² moved for leave to introduce a bill relating to the granting of Land Patents for Waste and other lands in Lower Canada, and to dispense with certain formalities connected therewith.⁴³ He explained that the object of his bill was to get rid of the numerous formalities at present required,⁴⁴ shorten the patents and reduce their expense,⁴⁵ and substitute a very simple form like that which prevailed [in] Upper Canada.⁴⁶

(59)

Bill relating to
Land Patents.

Ordered, That Mr. Christie have leave to bring in a Bill relating to Land Patents whereby any waste or other Lands of the Crown in Lower Canada are granted, and to dispense with certain formalities therewith connected occasioning unnecessary delay and expense.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Quebec Fire
Debentures
Act.

Mr. Cauchon moved, seconded by the Honorable Mr. Chabot, That this House will, immediately resolve itself into a Committee to consider the expediency of amending the Act 9 Vic. cap. 62, enabling Her Majesty to direct the issue of Debentures to a limited amount, and for granting relief to the City of Quebec;

The Honorable Mr. Hincks, a Member of the Executive Council by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Fergusson took the Chair of the Committee;⁴⁷

The House ... upon the motion of MR. CAUCHON, passed a resolution affirming the propriety of amending the Act enabling Her Majesty to direct the issue of Debentures, granting relief to the City of Quebec.⁴⁸

It was explained by MR. CAUCHON and MR. AT. GEN. LAFONTAINE that⁴⁹ the motion did not involve any fresh issue of debentures, but was designed to afford accommodation to those who were originally recipients of government aid, and whose property has since been destroyed by fire.⁵⁰ By the original bill it was intended to lend the sufferers by the Quebec fire certain sums for a long period; it being made necessary that they should insure their new buildings, by way of security to the Government. Some of these persons had been burnt out since the fire, and by the terms of the Act the money received from the Insurance Offices must go to the Government⁵¹ and many cases of individual hardship resulted from this circumstance.⁵² This evidently defeated the intention of the loan. It was therefore proposed to allow the sufferers in such cases to rebuild their property with the insurance money, and insure again, as before; retaining the loan⁵³--in accordance with the intention originally entertained.⁵⁴

(59)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fergusson reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Monday next.

Bill relating
to Notaries.

Ordered, That Mr. Lacoste have leave to bring in a
Bill to amend a certain Act passed in the twelfth
year of Her Majesty's Reign, relating to Notaries.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. H. BOULTON⁵⁵ moved for leave to bring in a bill to naturalize Milton Ragland, and enable him to inherit certain lands in this Province. He explained that Mr. Ragland was a coloured man, who escaped from slavery in the United States, and who had a brother die here leaving considerable property. The property had been escheated to the Crown, and it having been well ascertained that he is the brother of the person who left the property, the object of the bill is to allow him to inherit it.⁵⁶

MR. SHERWOOD was well acquainted with the whole circumstances, he had been called to make the will of this man's brother but when he arrived it was too late. The petition did not ask for naturalization but only to allow the petitioner to hold lands.⁵⁷

COL. PRINCE was not sure that there was not a law existing that enabled this man to hold this property. A law passed about two years ago contained a clause allowing any foreigner to hold property in Canada. He believed that was not the intention of the statute, but he intended to introduce a bill to declare that the intention of that act was to allow all aliens to hold lands.⁵⁸

MR. AT. GEN. BALDWIN thought the effect of the act in question was precisely what the hon. member for Essex desired to bring about by the bill of which he had given notice.⁵⁹

(59)

Ragland's Na-
turalization
Bill.

Ordered, That the Honorable Mr. Boulton have leave to
bring in a Bill to naturalize Milton Ragland, and
to enable him to inherit certain Lands in this
Province, and for other purposes.

He accordingly presented the said Bill to the House, and the same was receiv-

ed and read for the first time; and ordered to be read a second time on Thursday next.

Answer to
Addresses.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, that their several Addresses of the 26th, 28th, and 30th May last, and 2nd, 3rd, 4th, and 5th June instant, (that the Papers therein respectively mentioned might be laid before the House) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House that he would give directions accordingly.

Exploration
between Que-
bec and Lake
St. Jean.

The Honorable Mr. Attorney General Baldwin, also reported to the House, that their Address of Monday last, that His Excellency the Governor General would be pleased to direct an exploration, in so far as may be judged practicable, of a certain tract of Country between Quebec and Lake St. Jean, had been presented to His Excellency; and

(60)

that His Excellency had commanded him to acquaint this House that he will take into his consideration the said exploration, and that if the same shall appear practicable, he will give directions as desired by the said Address.

Emigrant Act.

Mr. Notman, from the Committee to consider the expediency of amending the Emigrant Act, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient so to amend the Emigrant Act 12 Vic. cap. 6, as to make it optional with the Master of any vessel either to give the security required in certain cases by the tenth section of that Act, with regard to indigent and infirm Passengers on board of such vessel, or to pay a sum of money, to be fixed by the Emigrant Agent, instead of giving such security,--the sum so paid to form part of the Emigrant Fund.

The said Resolution, being read a second time, was agreed to.

Emigrant Act
Amendment
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to provide for the commutation of certain Bonds required under the Emigrant Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Navigation Act.

The Order of the day for the House in Committee for the purpose of taking into consideration certain Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. McFarland took the Chair of the Committee; 60

MR. MERRITT rose and said, his original intention was to confine his remarks to the precise subjects of the resolutions which he had already laid before the House, the chief object of which was to determine the best means of obtaining admission for our products to the markets of the world. The hon. member for Simcoe, however, felt it his duty to prepare a series of amendments, and these would entail upon him (Mr. M.) the necessity of reviewing the whole commercial policy of the country. He would call attention, in the first place,

to the situation in which this country was placed in 1846. It is known that in 1846, the Colonial commercial policy of Great Britain was entirely changed. At that time, we enjoyed in this country a high degree of commercial prosperity⁶¹ never witnessed before nor since⁶² and it was hoped that the Imperial Government had been fixed, and that our commercial intercourse with England was placed on a permanent footing.⁶³ That was under the Corn-law of 1843, by which⁶⁴ our grain entered the English markets on favourable terms; and American produce, ground in Canada became entitled to the same advantages.⁶⁵ These arrangements were first asked for in 1843, when the merchants of Quebec were asking only for differential duties against all those of Great Britain. Upper Canada, however, had a different policy; she only wanted duties taken off her produce; but it was not till 1843, when he was in England, that the measure was granted, after an introduction of fifteen minutes by Lord Stanley. He mentioned this to show the difficulty that existed in making communications between the Canadian and English Legislatures.⁶⁶ He had ... called his Lordship's attention to the mutual advantages that Great Britain and this Colony would derive providing they would take off our duties and we should take off theirs, and thus establish free trade between the Imperial Government and the Colony. He stated to his Lordship that the people were dissatisfied because they had in name only, and did not enjoy in fact, the advantages of British subjects in the British markets, inasmuch as our produce was excluded, by a restrictive duty--although the duty on flour at that time was only 3s. a barrel. His Lordship stated that there was a duty on American produce of 12s. per barrel, while the duty on Canadian produce was 3s. per barrel, thus giving us a discriminating duty of 9s. a barrel. But he (Mr. Merritt) endeavoured to show his Lordship that 3s. has effectually excluded us from the market as if it had been 12s., under the operation of a sliding scale. His Lordship stated that he had never understood the subject in the same way before. On his arrival in Canada a despatch came to Sir Charles Bagot, authorising him to make the alteration he had suggested to Lord Stanley, and at that time we had a fixed policy which would have been⁶⁷ of the greatest mutual advantage, and the effects were to be remarked in a wonderful increase of traffic on the St. Lawrence.⁶⁸ Our exports in 1844, by way of the St. Lawrence, had increased 75,000 tons. But in 1846, when we received intimation that Great Britain had changed her entire Colonial policy, what was the feeling in Upper Canada. There was scarcely a sensible man in the country, who did not declare that this withdrawal of protection must lean to separation⁶⁹ of the colony from the Mother Country; and this sentiment has been repeated in an official despatch by Lord Cathcart.⁷⁰ That, he would confess, was his own opinion in the first view of the matter. He could not see how it was possible to remain connected with Great Britain after the withdrawal of the duty from our commodities. (Hear, hear.) After much consideration, however, he came to a different conclusion--(hear)--and thought he had discovered what would prove a remedy. In the next Session he therefore had the honour of submitting to the notice of the Legislature a series of resolutions which he considered would solve all the difficulties with which we were then apparently surrounded. The first of these was, to admit the productions of Great Britain, free of any discriminating duty;--second, to repeal every Imperial Act relative to our Colonial Trade, which necessarily embraced a repeal of the Navigation Laws, and everything else of that description; the third, was to open the St. Lawrence to the vessels of all the world; and that had in view the attaining a revenue from the canals; the fourth was, to negotiate with the United States to admit the productions of Canada into her markets free of duty, while we would admit their productions free of duty to our markets.⁷¹ That was the whole extent of the commercial policy which he proposed, and⁷² up to this moment these four resolutions embrace the entire commercial policy of

the Colony. No one had made any addition to these since that time. There was then a private negotiation with a view to get a declaration from the States that they were willing to admit our produce. The late Government brought in a measure to equalize the duties of the United States. He would merely call attention to the position in which they were placed by taking off these discriminating duties, although he did not oppose them at the time, being of opinion the measure was necessary, to obtain success with the United States. The law of '46 having been carried into effect without reference to Canadian interests, he pointed out the inevitable effect which would be produced. He felt satisfied, from experience, that Canadian produce would have to find a market in the States, and that the producer on the Niagara side would receive 25 per cent less for his goods than the producer on the other side.⁷³ Even in 1847, during that year of brisk European demand for bread-stuffs, the prices of wheat at Rochester were 23 1/3⁷⁴ per cent. higher than on the Canadian side.⁷⁵ In order to meet this evil he had⁷⁶ in 1847⁷⁷ drawn up his resolutions in the view to obtain free access into the markets of the United States; but very great diversities of opinion existed in this country, many supposing that it was hopeless to make any declaration here, because they did not believe the Americans would adopt our productions. He consequently withdrew the resolutions rather than lose them⁷⁸. In February, 1848, he received from Washington a report of the committee of commerce opposing the removal of the duty on Canadian products;⁷⁹ and having heard that the Government at Washington was about to pass the draw-back bill⁸⁰ in order to follow up what he had undertaken, he went to Washington at his own expense, in consequence of a notice from a committee of commerce there, that they had hopes that the duty would be removed, and he feared a much greater evil would be imposed. He found a bill drawn up, the object of which was to let Canadian Wheat into American markets free of duty, in consideration that it be ground by American millers⁸¹ fearing the imposition of a measure which would be very disastrous to Canada. The Inspector General, indeed, had said the other evening, that the question had been presented at Washington only with a view to Canadian interest; he had, however presented it with a view to American interests, and had pointed out how these were effected. When he arrived at Washington he had found a bill before the Legislature which would have admitted Canadian wheat free of duty, on condition that it should be ground in the United States, and that the millers should export a quantity of flour equal to the grain imported.⁸² The effect of ... [this] would have been to shut up every mill in Canada, and our shipping interest would have been completely annihilated [sic] if it had passed into law in the shape in which it was prepared. He immediately put himself in communication with the chairman of the committee of commerce. The hon. gentleman here read several extracts from copies of letters submitted at that time to Mr. Walker, the chairman of that committee, in which he showed them very plainly that it would be very greatly to their advantage to admit Canadian productions free of duty⁸³ and citing the remarks of Mr. Secretary Walker, in one of his messages to Congress relative to the immense trade transacted with other parts of the Union, by the little State of Connecticut, through the facilities which the free trade among the several States afforded for commercial transactions.⁸⁴ After these communications he was glad to think that they had changed their entire policy, and had brought in a⁸⁵ reciprocity bill ... containing a list of those articles which were subsequently enumerated in the Canadian Bill⁸⁶ (which hon. members had no doubt all read), and the whole protection party voted for it, and it passed unanimously; but when it came to the Upper House it was lost. In June he went to Washington again, under the direction of Government, not with any intention to negotiate, but simply with a view of ascertaining from the new Cabinet, whether they were

disposed to enter into negotiation. Shortly afterward, the Attorney General and he went to Halifax on the same subject, but their efforts ended in nothing. He returned perfectly satisfied that there was a way to secure reciprocity, but he had now lost all hope of getting it from the Americans.--(Hear, hear.) They pay so little attention to anything which comes from this part of the country, that it must be something very striking that will cause them to take it up; and he wanted to produce something very striking in order that they may come to us and say, "We are very anxious to have reciprocity with you." That is the object of his present resolutions. He entirely differed from the Inspector General⁸⁷ in this respect, in believing that Provincial legislation could effect nothing. The truth was that only a few places would be affected by anything that could be done in Canada, and they were not sufficiently influential to effect anything. To shut up the canals would be to act like a Company that should open a railroad and afterwards shut it up.⁸⁸ Hear, hear.⁸⁹ It could make no difference to so numerous a population as the Americans.⁹⁰ The whole of the American frontier towns could, by their representations, produce no effect on the government of the United States, or on the mass of the people of that country.⁹¹ When he was in the States, he found that all the people eastward were in favour of the measure of reciprocity, and all except in Maine and one or two other places. Even people in Pennsylvania who had no interest in the matter particularly, were in favour of it, but the wheat countries such as Maryland and others, had the idea that if reciprocity were granted, we would send wheat there to compete with them. At that time Governor Seward wrote to him saying that he was interested in favour of the measure, and he had learned from the Inspector General that he is still in favour of it. Oswego and other places there, might press upon the Government to pass this law, but the fact is they have no weight, they cannot effect any good although it would be for their interest to get it. He took it for granted that American Statesmen possess as much common sense as we do, and that any proposal to shut up our canals will only be laughed at by them. (Hear, hear.) It is out of the question altogether, as it would produce no effect upon the Legislature of the United States. There are so many, and have so varied interests, that any attempt with a view to terrify them would be utterly futile. We cannot force them into any measure whatever, because we are utterly powerless. But with the aid of Great Britain we have the power, and it is through Great Britain he wished them now to act. He then drew the attention of the House to the difference between the resolutions he had prepared and those now presented by the hon. member for Simcoe. He intended to address the Imperial Government to put in the same duty on the productions of any foreign nation, when imported to Great Britain that that foreign nation improve on the importation of similar productions of Great Britain and her dependencies.⁹² He did not wish to appear to single out the United States in particular, but to make the measure general. If England were to adopt that course, American statesmen would not hesitate a single day to remove the duty on Canadian products; as it would be the only means of relieving their trade to the extent of \$70,000,000 a year from taxation⁹³; for the exports of the United States to Great Britain amounted to seventy millions, and if duties were imposed upon that trade, the effect would be felt all over the American continent. The increase which had taken place in the export of many articles from the United States to England was very remarkable, of which he cited many instances.⁹⁴ If Sir Robert Peel had thought of the position in which he placed us he would have provided an equivalent, and would have given us this boon in an instant⁹⁵. He knew it had been⁹⁶ assumed by some journalists, that⁹⁷ Great Britain would not interfere, because Sir R. Peel would not interfere⁹⁸; alledging [*sic*], as a reason that Sir Robert Peel did not seek reciprocity from any nation when he proposed the free trade measure.⁹⁹ But his proposal was

something very different. He here drew a comparison between the retaliatory duty, which he proposed to prevail upon Great Britain to grant, and mere protective duties.¹⁰⁰ The whole trade was leaving Canada under the operation of Peel's law; while the Americans have received £75,000 tolls on the New York canal, we have received £45,000. He then adverted to the statement of Sir Allan MacNab, in a previous debate, that Canada is more prosperous than the United States. He (Mr.M.) quoted statistics from a printed paper in disproof of this averment. He had been taunted with referring to the United States for examples, but he should refer to that country whenever he saw any thing worth copying. The resolutions he intended to propose asked for no protection; he sought and desired no protection. We could never receive it if we sought to obtain protection, in proof of which he quoted a letter of Mr. Cobden, showing the news of the free traders in England. He (Mr.M.) repudiated the free trade doctrine, that the consumer always pays the duty, and contended that both producer and consumer sometimes pay the duty. We pay the duty on all our products sent to the United States. If England put the same duty on American products as the Americans place on ours, the American producers, and not the British consumers, would have to pay the duty. Let us not ask England to give us protections, to put on any fixed duty, it would not be the interest of England to do so, and she would not act in opposition to her interest; nor would the United States remove the duty on Canadian products, unless it were their interest to do so. He then moved the first reading of the ... series of resolutions.¹⁰¹

MR. ROBINSON did not think there was much difference between the resolutions of the hon. member and his own. He only wanted to put the proposition in a more tangible form; for he approved of nearly all that those resolutions contained, except that¹⁰² fourth¹⁰³ clause which declared that Canada did not want protection. She did want it, for it was well known that previous to the free trade system, flour was always five shilings [*sic*] a barrel higher in Montreal than in New York, whereas this has been completely changed since that period.¹⁰⁴ There was a growing desire on the part of our sister colonies to unite with us to obtain protection, and there was also a desire to return to it in England. For these reasons he had brought up the question of protection in his (Mr. Robinson's) resolutions. Nearly all persons in the United States were in favour of protection; even Hunt's Magazine,¹⁰⁵ [OR] the Merchants' Magazine¹⁰⁶, from which he read an extract, was the advocate of protection. It was a fallacy to suppose that the price of an article was always increased to the extent of the duty placed upon it; competition among manufacturers would always keep down prices. Protection had enabled some of the United States, such as New Hampshire, greatly inferior in natural resources to Canada, to attain a high degree of prosperity. He did not deny that the United States were highly prosperous, but this arose from the great extent of their Western country; our country ends at Sandwich. The hon. gentleman then read an extract from a speech of Mr. Wilmot, of New Brunswick, in favour of protection.¹⁰⁷ When he spoke of differential duties in favour of the Saint Lawrence route, however, he only meant to apply it to such heavy goods as came by way of the St. Lawrence to a great extent at present.¹⁰⁸ As to the project of closing our canals, he was opposed to it; he believed it would have no good effect. The hon. gentleman concluded by moving the following resolutions in amendment¹⁰⁹:--

RESOLUTIONS ON THE TRADE OF THE COUNTRY.

1. Resolved.--That the Legislature of this Province in the year 1846, adopted and transmitted an Address to her Majesty, representing in strong but

respectful language the fears they entertained that the change then about to be made by the Imperial Government in the trade of the Mother Country with her Colonies and Foreign nations would prove highly injurious to the people of Canada; and if carried into effect to the extent then contemplated must inevitably weaken the attachment of its inhabitants to the Parent State.

2. Resolved.--That experience has shown that the evils then apprehended have been realized to an extent that calls for the prompt attention of this House and the serious consideration of the Imperial Government.

3. Resolved.--That in order in some degree to avert the evil consequences apprehended, her Majesty was earnestly requested to open a negotiation with the Government of the United States for the admission of the products of Canada, into the markets of that country on the same terms as theirs were admitted into Great Britain and her colonies.

4. Resolved.--That although negotiations have been entered into with the U. States, no satisfactory result has yet been obtained: and while the people of that country continue to enjoy the great advantages conferred on them by the commercial policy of 1846, their Government steadily declines risking any relaxation in the rigorous laws which regulate our trade with them.

5. Resolved.--That in the opinion of this House the welfare and prosperity of her Majesty's North American Colonies (suffering as they are from like causes) would be advanced by their agreeing to enact a uniform system of laws, regulating their trade with foreign countries, and also by their adopting such a reciprocal trade with each other as might be beneficial to all. This House is prepared to recommend the appointments of one or more delegates to meet any representatives that may be selected by the other colonies to consider and give effect to such measures; and that the said colonies should without delay be invited to enter into communication with this Province on these important subjects.

6. Resolved.--That this House is encouraged to believe that both New Brunswick and Nova Scotia would be favourable to such a system for regulating their trade, by observing that in the Legislative Assembly of the former, the following resolutions passed unanimously on the 6th day of March last, viz:-- "Whereas the import of articles the produce and Manufacture of the United States of America into this Province, has for several years been greatly on the increase, and far exceeded the exports to that country, to the manifest injury of the productive labour of the Province, and whereas the efforts made by Great Britain and the North American Colonies to obtain Reciprocal trade with the United States, have not only been unsuccessful, but have been met by imposition of higher duties thereby virtually excluding us from their markets, whilst ours are open to them and whereas such a course of trade, in addition to other evils, tends greatly to derange the currency of the country, by draining it of the precious metals;--therefore resolved, That in framing a Revenue Bill, countervailing duties should be imposed on such articles as are imported from the United States, as will give encouragement to the Agricultural and Mechanical interests of the Province, and at the same time promote its Mercantile welfare." And also in Nova Scotia by the Report of the "North American Association," dated 16th March, 1851, the closing paragraphs of which are as follows, viz:--"When compared with the United States, the Colonies are weak and they are strong, but our commercial interests are the commercial interests of Great Britain, in right of our connection with her, and to her appertains the duty and responsibility of protecting them. Import duties are imposed by the United States for the avowed purpose of preventing the products of our industry from interfering with her own in her markets. Great Britain, on the other hand, opens her markets freely to Americans, depriving her Colonial subjects of the protection they had heretofore enjoyed, and which their American neighbours continue to

enjoy in their home market.

"The existing arrangements are thus 'unequal' unjust and injurious to the interests of the North American Colonies. The United States have an undoubted right to impose duties--Great Britain has an equal right to withhold privileges, and it is her duty to withhold them if our claims to reciprocal free Trade are not recognized.

"The injustice to which the colonies are subject by the opposing principles of commercial policy, prevailing in the Mother Country and the United States is too glaring to remain long unredressed. The United State Government cannot, on the principles it maintained throughout the West India controversy, refuse to admit our natural products into their markets on terms of "reciprocity, fair competition and mutual advantage"--and the British Government cannot longer decline interfering effectuality in our belief without compromising her dignity and risking the affectionate attachment of her colonial subjects.

"Your Committee believe that the commercial interests of Great Britain on the continent are of sufficient magnitude to entitle them to her a special care, and they would, therefore, hope that energetic measures will be adopted by all the North American Provinces, to urge this important subject on the consideration of her Majesty's Ministers."

7. Resolved.--That the present state of the trade of this Province with other countries, renders it necessary for the Legislature to enact such laws as will afford a better protection to the industry of the inhabitants than they now enjoy, and it is therefore expedient to amend the Customs Act during the present Session, by exacting a duty of not less than twenty per cent, on all such articles imported from the United States as can be produced with advantage to this Province, and also to return to such a system of differential duties as will encourage importers to bring their goods into Canada by Sea, via the St. Lawrence, instead of through the United States; and that the better to encourage domestic industry and manufactures, all raw materials required for the Province be admitted free of duty.

8. Resolved.--That this House sincerely sympathises [*sic*] with their fellow subjects in Great Britain, in the depressed state of the Agricultural interest in that country; and observe, with satisfaction that the demand for a return to a reasonable protective duty on the products of the soil, is becoming more general throughout the Kingdom; and this House relies with confidence, in the event of any measure being introduced into the Imperial Parliament for the relief of the Agricultural interest, either by a moderate fixed duty on foreign corn and other products, or otherwise, that the inhabitants of this Province may be admitted to share fully in the benefit of any such measure.

9. Resolved.--That an humble Address be presented to her Majesty on the state of the trade of this country, and praying that her Majesty may be pleased to recommend to her Imperial Parliament to react, that a like duty may hereafter be imposed on the productions, enumerated in the Schedule hereunto annexed, imported into Great Britain from foreign countries, as such foreign nations, or any of them, may impose on the like productions of this portion of her Majesty's dominions; and also praying her Majesty not to withhold the Royal assent to any act that may be passed by the Legislature of this Province, for imposing differential duties on imports.¹¹⁰

MR. STEVENSON objected to a portion of the resolutions moved by the member for Lincoln, though he was in favour of the main object of the resolutions if they were confined to the United States¹¹¹, [and] if ... there was the least chance of their being successful¹¹². The greater part of the produce imported into England last year came from France, and it was well known that France imposed high duties on the articles she imports. The resolutions asked Great

Britain to change her entire policy, which she would never do, and therefore the resolutions should ask only to extend the principle of reciprocal duties to the United States.¹¹³ She would much sooner grant us a fixed duty on corn of a small amount ... than to grant the prayer of the resolutions, as she would have to give up the principle of free trade policy contended for by Mr. Cobden and his friends. But he did not hold that the principle of free-trade was finally established; and it by no means appeared that it had been of benefit to England. There was a strong feeling in England growing up against free-trade, which he thought would likely be successful¹¹⁴, so that England would much rather give us a fixed duty on corn than accede to the principles of the hon. member for Lincoln. Whatever might be the opinion of the people of Britain as to the possibility of Canada being able to give them a steady supply, the specimens of grain sent to the Exhibition¹¹⁵ and the interest with which they had been regarded¹¹⁶ would convince them that Canada could at least grow corn.¹¹⁷ Mr. Cobden had professed previous to the passing of the Free Trade measures that wheat could never sink below about 51s. a quarter, but the trial had proved that it had sunk to 39s., and had not yet reached its lowest depth. It might appear anomalous that in some instances the producer paid all the duty and in others the consumers paid all the duty. He would not attempt to prove this by appealing to any theory, but would instance an actual case. A great deal of cattle had lately been sent from Canada to the United States, but not in sufficient quantities to produce any effect on the price there; the result was that the parties who exported the cattle paid the American duty.¹¹⁸ The hon. gentleman then went into details to show the propriety of Canada doing everything in their power to increase the trade of the St. Lawrence, and as he considered that free trade was not a finality in England, he¹¹⁹ would cheerfully second the resolutions of the hon. member for Simcoe. He held that if the United States would not give us reciprocity, that we should levy the same amount of duties on their productions, that they levied upon ours, in justice to the people of this country. He showed the difference of the effect that would be produced upon the country, if the Upper Canadian bought a ton of sugar at New York, instead of at Montreal.¹²⁰ Sugar could be imported via Montreal about as cheap as via New York. There was very little difference to the consumer which way the sugar was imported; but it was of great importance to the country. When we [imported] sugar via New York we¹²¹ built up the foreigner at the expense of our own merchant; we paid tolls upon foreign canals; we paid the foreign forwarder, and contributed to the revenue of a foreign nation¹²², [we] rob our own canals, and rob our shippers and the Montreal merchants.¹²³ He showed the converse effect of purchasing in Montreal.¹²⁴ Why are we so anxious to send our grain to the United States to be reshipped to England? Why, because the rate of freight from New York to England is only about 1s., while from Quebec it is about 3s. The difference arose from the circumstance that vessels coming to New York depend in a great measure upon the cargo from Liverpool, while some half of the vessels to Quebec come out in ballast. It had been proved that we could carry flour cheaper from Lake Erie to the ocean than the Americans could.¹²⁵ He contended that if we could attract imports to our seaports in the same proportion as those which arrived at New York, we could send home a barrel of flour at as low a rate, viz: at 1s. 6d. instead of 3s., and then we should attract an immense business [sic] through our canals.¹²⁶ What then was our interest? Why, to do every thing in our power to encourage the trade of the St. Lawrence.¹²⁷

MR. INSP. GEN. HINCKS said both series of resolutions as far as he could understand, have the same object in view, namely, to endeavour to coerce the Americans to grant us Free Trade.¹²⁸

MR. ROBINSON.--No, no.¹²⁹

MR. INSP. GEN. HINCKS said that it was clearly their object to get reciprocal free trade with the United States.¹³⁰

MR. MERRITT said that he wanted to make the Americans themselves understand, it was for their interest to grant reciprocity.¹³¹

MR. INSP. GEN. HINCKS after reading some of the resolutions proposed by the hon. member for Lincoln, said, although much good might be done by adopting an Address to the Imperial Government, yet he was of opinion that an Address of that kind will be utterly useless.¹³² The hon. member for Lincoln was of opinion that a great deal was to be effected by an address to the home government; he (Mr.H.) was of opinion that it would have no such effect. But¹³³ at the same time he was not disposed to resist any measure which any individual may feel disposed to introduce¹³⁴, and the government was not prepared to propose a set of resolutions much better considered than those of the hon. member for Lincoln; which he thought asserted erroneous principles.¹³⁵ It might be desirable to adopt an address during the course of the season; but it appeared that several parts of these resolutions would require to be struck out as unsound. The member for Prince Edward's, had stated very forcibly the absurdity of some of the statements made in the concluding part of these resolutions. Many gentlemen are anticipating the advent of another party to power, and, looking to the possibility of such a result he was not indisposed to adopt an address that would receive the favour of the¹³⁶ protectionist party¹³⁷. Then, as had been shown by the hon. member for Prince Edward, the proposition would be¹³⁸ ridiculed as much by the protectionists as by the free traders¹³⁹, and they could not adopt it without abandoning their principles.¹⁴⁰ The hon. member for Lincoln surely does not imagine that Lord Stanley and his party would for a moment listen to such a proposition as would infer that if America were to pass a law that all breadstuffs would be admitted there duty free, that consequently Britain would be bound to admit all the products of that country duty free. If Lord Stanley would not listen to it, it is evident that the free trade party would have nothing to do with it, so that it seems useless to the House, to put such an Address¹⁴¹ that would be scouted by all parties¹⁴² and the House would stultify itself if it passed.... The thing was absurd and would be ridiculed ... and they could not adopt it without abandoning their principles.¹⁴³ The hon. member said he did not propose any protection, because he did not propose that England should impose a fixed duty, assuming that if you call it a retaliatory duty there is no harm in it; but you must not call it a fixed duty. It had been argued that the consumer paid the duty, the hon. member for Lincoln had said that both producer and consumer paid it, and he (Mr. H.) confessed he did not know what he (Mr. Merritt) did mean. It was a false principle, to lay it down broadly that the consumer pays the duty. There might be the case of a small country lying beside a large one, into which it might send produce that would have very little effect on prices on the larger country; but produce imported into a country did produce an effect on prices.¹⁴⁴ He then referred at some length to the remarks of the honourable member for Prince Edward Island.¹⁴⁵ It was impossible for England now to fix her tariff upon those of foreign nations; it would be contrary to her entire policy. The object of England was now to get the best supply of food at the lowest possible rates. It was his (Mr. H.'s) opinion, that had England had recourse to diplomacy at the time she passed her free-trade measures, that she might have gained great concessions, not only for herself but for her colonies. The statesmen, however, who at that time ruled her destinies, had not thought it well to do so, and had entirely thrown¹⁴⁶ everything like diplomacy in their proceedings¹⁴⁷ overboard.¹⁴⁸ He had always regarded it an error

of the free traders¹⁴⁹ but they cast negotiations aside altogether, and relied only on the soundness of their own principles. This, however, ought to be borne in mind, that if they neglected our interests, they also neglected to ask anything for themselves. (Hear, hear.) It is said that any attempt to retaliate upon the United States, by closing our canals would be hopeless--that the Provincial Government is powerless, and that we have nothing to hope for from the Imperial Government, if we do not realize advantages through the address now before the House. The Americans will be very happy to hear these declarations from the member for Lincoln¹⁵⁰ that we can do nothing for ourselves; that we are entirely helpless;¹⁵¹ but so far as the address is concerned, it must be repudiated by all parties--alike by protectionists and genuine free traders. He thought that the hon. member for Simcoe came forward with a much better grace than the member for Lincoln. The former says, "we must endeavour to do something for ourselves unless we do not, we shall fail to accomplish our object." He had already stated that he (Mr. H.) differed from other gentlemen with regard to the canals. His firm conviction is, that the measure which will strike most deeply at the United States,¹⁵² and strike the heaviest blow at their trade¹⁵³, is the closing of our canals on certain principles; and it is one which will add materially to the trade of this country. He wished to see American vessels in our canals, but he also wished them to go down the St. Lawrence¹⁵⁴ from Lake Erie to Halifax¹⁵⁵ instead of stopping at Oswego or Ogdensburgh. He would in such a case say, "you shall go through our canals if you go to British ports, but you shall not pass through if you stop at Ogdensburgh." By adopting this policy we should secure anything we want. (Hear.)¹⁵⁶ He was as sure of that as of his own existence. We possessed the power to destroy their trade, and¹⁵⁷ he knew that the Americans now believe that we are in earnest, notwithstanding declarations to the contrary by Canadian newspapers and Canadian members of Parliament. He believed they knew that we can destroy their trade--that we can do them ten times more injury than it is possible for them to do us. He happened to know that strenuous exertions are being made at this moment by the people of Oswego and Ogdensburgh; and that even the people of New England are bringing influences to bear upon the American Government in favour of reciprocity¹⁵⁸, hear, hear¹⁵⁹, a conviction having become general, that this government are in earnest in their determination to adopt a retaliatory policy if we don't obtain justice. If it is so very desirable to the Americans that their vessels should pass through our canals, why do they not allow our vessels to go through theirs? (Hear.)¹⁶⁰ We saw that the Americans would not allow a Canadian vessel to pass through their canals, and were we going to stand still and be insulted?¹⁶¹ He believed that the effect of the retaliatory policy he had adverted to would be to increase our tolls, both on the Welland and St. Lawrence canals. A system of differential duties may be advocated on two grounds--on the broad principle of protection, and as a measure of retaliatory policy which it may be expedient to adopt under certain circumstances. He was not however, now prepared to discuss the expediency of this course; but he would say that he did not place reliance on the theory of absolute protection. He dissented from all that had been said in reference to the effects of a protective policy in the United States.¹⁶² Upon the general principle, he entirely differed from the hon. member for Simcoe, who regarded it as desirable that a system of protection should be adopted, to build up one particular class.¹⁶³ True, a manufacturing interest has been built up in New England, but it has been at the expense of the West and South. You cannot protect any class of labourers, except at the expense of the great body of consumers; and the error into which persons reasoning on this point are apt to fall, is that of considering themselves only in the light of producers, instead of consumers, which all persons are. He did not believe that it was desirable to attempt to raise up in Canada a pro-

tected manufacturing interest. Bright pictures have been drawn of the prosperity which Lower Canada will derive from the building up of a manufacturing interest¹⁶⁴. If that were to be the case, these manufactures would be supported at the expense of the farmers of Upper Canada;¹⁶⁵ but any idea that the producers of Upper Canada will bear indirect taxation to sustain this interest, is altogether absurd.¹⁶⁶ But why had the hon. gentleman referred to Lower Canada? Would manufactures not also spring up in Upper Canada? The reference to Lower Canada was only intended to produce a strong effect on the members from that section of the province.¹⁶⁷ Manufactures already exist to a considerable extent in this section of the Province, even under a free trade system; and he believed that our manufacturers do not desire protection. But while he objected to protection, considered as a principle, he admitted that under certain circumstances the expediency of making alterations in the present system may become worthy of very serious consideration. (Hear.) He would now state what he considered was the wisest course for the House to adopt, under present circumstances. For many more important reasons, it was particularly undesirable that this House should now be called upon to express any opinion on this subject. He proposed to move, therefore, that the Committee now rise, report progress, and ask leave to sit again.¹⁶⁸ He felt sure the hon. member would be willing that his proposition should be postponed for a while, and the more so when he told him, that the Government might in a few days have some very important information to convey, bearing upon the subject. (Hear, hear.) In answer to Mr. Stevenson, he stated, that he did not believe Free Trade was losing ground in England; nor that Lord Stanley was at all prepared to depart from the policy of the late Sir R. Peel. Lord Stanley thought that it was unjust to make corn an exception from all other things; and sought rather to re-adjust the tariff than strike out a new policy. And he (Mr. H.) although as great a free-trader as Mr. Cobden, must confess that he could never see the justice of the English tariff as it now stands¹⁶⁹ [and] why it was that, while you collect a revenue from a tariff corn should be specially exempted. He saw no objection to a small fixed duty on wheat. The hon. gentleman then concluded by moving that the committee rise, report, and ask leave to sit again.¹⁷⁰

MR. CAYLEY had witnessed, with pleasure the zeal and ability with which the hon. Inspector General had demolished the elaborate document prepared by the member for Lincoln, and almost ventured to anticipate that the support of the Government will be rendered to an address which he (Mr. C.) will move next¹⁷¹ Wednesday¹⁷² with regard to a retaliatory policy. He felt that it is our duty to pursue that course which is most beneficial to this Province, altogether irrespective of proceedings elsewhere.--Our house is not involved in the matter, and we are therefore, at liberty to consult only our interests. This circumstance would guide him in his course upon the question. Of this he was confident, that our farmers will never be content until their wheat and flour command prices equal to those obtained by the United States farmers. He would, therefore, go direct for a protective duty for ourselves, and he would do this in preference to seeking to affect the home government with anything like a side-wink. Believing that Lord Stanley will shortly be called to the helm of affairs in England, he thought that it is our duty to pursue the course most likely to strengthen his hands, in his endeavors to restore that system of protection which has been unwisely abandoned. Let us meet him with an assurance that he will be sustained as far as possible by the colony, and that we will give preference to England's products if England will give a preference to what we can send from Canada.¹⁷³

MR. MERRITT replied to some of the preceding speakers.¹⁷⁴ [He] had a few

words to say in reply to the Inspector General's remarks that no party would adopt his (Mr. Merritt's) proposal. Had not the same principle been embodied in the Navigation Act? He held that there was a marked difference between a fixed duty and a protective duty.¹⁷⁵ He had ceased to hope for protection: seeing that successive English governments have refused to yield any advantage to the Canadian producer. All we want--all he now sought--is, such a measure as will induce the Americans to make it their interest to admit our articles. He deprecated a retaliatory policy as calculated to add to the difficulties under which the Canadian producers now labour.¹⁷⁶ He contended that the whole of the duty paid on Canadian produce consumed in the United States is paid by the producer.¹⁷⁷

MR. HOLMES could not support the resolution.¹⁷⁸ Mr. Merritt's own arguments would be a reason why he should vote against his resolutions.¹⁷⁹ The Inspector General had said, and he agreed with him, that there was no particular reason why corn should be exempted more than any other articles.¹⁸⁰ [He] did not believe that any English ministry--Tory, Whig, or Radical--will ever venture again to impose a duty on food¹⁸¹. Many of the people of England were so poor that they could not afford to buy tea, coffee, or sugar. And that was one reason why he could not support the resolution¹⁸² before the House.¹⁸³ It asked England to oppose her own best interests.¹⁸⁴ He also condemned the protective policy as advocated by Mr. Cayley. The manifest object of the English policy was to push her manufactures through colonies and all parts of the world¹⁸⁵. To a certain extent he concurred to the desire to promote to the utmost a Canadian manufacturing interest; but any man who endeavours to effect this by pursuing a protective policy must necessarily be an annexationist¹⁸⁶ for the purpose of getting the benefit of the tariff of the United States¹⁸⁷ for he would have to reject the manufactures of England¹⁸⁸.

A voice, go for protection then.¹⁸⁹

MR. HOLMES [continued]: Great Britain never will allow us to subvert her policy; and if we are anxious to have protection, we must seek it by an alliance with the United States, whose policy is to protect home industry. He made this declaration without any reserve: believing that those who come forward boldly in favour of annexation are not essentially more disloyal than any member of the House.¹⁹⁰ The annexationists had been much slandered, and that they were really as loyal to the Crown of England as was the hon. and gallant knight from Hamilton. The hon. Inspector General had asserted that the annexationists had attempted to impede the passing of a reciprocity act. Such was not the case.¹⁹¹ A few nights ago, the hon. Inspector General named Mr. T.S. Brown as an annexationist, who, with others, had earnestly laboured to defeat all attempts to obtain reciprocity. He was able to state that Mr. Brown is not an annexationist, and therefore concluded that the hon. Inspector General is in some measure misinformed as to the agencies that have thwarted his exertions. His (Mr. Holmes's) view was, that the course pointed out by the Inspector General--viz. the closing of the canals to American vessels, bound for the lake ports--is the one most likely to produce an impression in the United States, if anything like coercion is to be attempted¹⁹² and, also that it was a better plan than asking England to starve her millions, and grind down her poor. Free Trade was not dying away; that was the mere cry of the landlords. There were two ways for us to get reciprocity. One way was by closing our canals, or only allowing American vessels to come to British ports. He believed that this would increase the trade of our ports.¹⁹³ As a merchant¹⁹⁴ in Montreal¹⁹⁵ he knew that the utmost anxiety prevails upon this point, throughout Illinois, Wisconsin, and other parts of the United States, having received¹⁹⁶ as many

as fifty letters upon the subject, asking him his opinion if ... the Welland Canal should be closed to American vessels¹⁹⁷ if reciprocity were refused. To all he had answered in the affirmative.¹⁹⁸ He believed with the hon. member for Lincoln that the revenue from our canals might be made to pay the expenses of our Government; but to do this, we should have to go to England and say we will purchase your goods if you will lends us £150,000 for three years. He would then do away with all our Custom-houses, and ask no questions of any kind to those who chose to frequent our waters¹⁹⁹ and thus indirectly reach the United States revenue. This course would whiten our lake with sails,²⁰⁰ and cause an immense trade to spring up²⁰¹ and add so immensely to our wealth, that he believed in a short time our revenue would be raised to a flourishing position.²⁰² We might go and say to the Americans, "come and buy from us, and we will give you goods at the same price that you can buy them for at Hamburg or ... Liverpool." Under this system he believed the tolls from the canals would more than compensate for the destruction of the Custom-houses. The tolls from the Erie Canal produced more than \$3,000,000 a-year, and those on our canals would produce more than the half of that sum. He concluded by making some general remarks in answer to Mr. Stevenson, and contended it was very little likely we could encourage consignments hither from Cuba, or other West India Islands.²⁰³ One means of securing cheap sugar would be to impose differential duties.²⁰⁴

MR. G. SHERWOOD of Brockville said almost every member who had spoken had a nostrum for making this country as prosperous as any other.²⁰⁵ When so many remedies are prescribed, people may well imagine that few of them would be efficacious. He deemed the plan proposed by the member for Prince Edward the most practicable and the most sound of any that had been put before the House.²⁰⁶ The hon. gentlemen had shown how the trade of the country would be increased by imposing differential duties²⁰⁷ [and he] spoke generally in favour of reciprocity and imposing differential duties in favour of St. Lawrence.²⁰⁸ During the discussion the subject of emigrants had been forgotten.²⁰⁹ He believed that by encouraging emigration, we should obtain cheaper outward freights. He had seen an able statement published in a United States paper, which showed that in those years when emigration was the most numerous, return freights were the cheapest.²¹⁰ They were a cargo that load and unload themselves, thus saving the amount which it cost to load and unload any other cargo. He thought the best remedy for the evils of the country was the imposition of differential duties and resorting to a protective policy. The country expected that this house should take some action on the question; there was a growing feeling in Upper Canada in favour of protection,²¹¹ and people were anxious that the House should declare itself, inasmuch as they²¹² have tried the free trade system long enough: we have no chance of obtaining reciprocity: and our only hope therefore lies in the direction of protection²¹³, and he had no doubt that every election in the Upper Province would turn upon that question.²¹⁴

MR. STEVENSON mentioned several particulars in which he thought the free-traders had been deceived by the event of their policy on England, and concluded by saying that he would not oppose the Inspector General's motion, because he was glad to see that he was not disposed to oppose the proposition of the hon. member for Simcoe, and he (Mr. Stevenson) did not desire to hurry the thing unnecessarily.²¹⁵

MR. INSP. GEN. HINCKS said the Government have no desire to shirk this question; but knowing that most important influences are now being brought to bear on the American Government, he recommended the House to postpone a decision with regard to it for a short time. Alluding to Mr. Holmes's remark concerning General Brown, he (Mr. Hincks) felt bound to remark, that it is well understood

that the letters in the Washington Republic were written by Mr. Brown, and there can be no doubt that the tendency of those letters was, from first to last, to frustrate our efforts to obtain reciprocity, with the view of bringing about annexation.²¹⁶ He explained that it was not his intention to shut up the St. Lawrence, which was shut up now, but²¹⁷ to compensate for the loss of canal tolls by drawing down the St. Lawrence a large trade that does not now come that way²¹⁸ by precluding the Americans from going to Oswego.²¹⁹ He was convinced that a free trade with the United States would be the best thing; and if we adopted retaliation it would be because we were driven to it.²²⁰ He congratulated the House, however, on its unanimity of opinion to this extent, that all parties were desirous of doing something. If the American vessels which now went to Oswego were prevented from going to that port or to Ogdensburgh, they would have to go down to Montreal and pass their cargoes over our railways.--Then alluding to Mr. Merritt's remarks he said, it was absurd to apply to the free-traders for any change such as that now demanded and to expect it from the protectionists, was to expect that they would open their ports free of duty to Denmark and other neighbouring countries and close them to the United States. He again assured the House that he expected very important news from Washington.²²¹

MR. H. SHERWOOD would support the hon. Inspector General's motion for a postponement of this discussion, provided the postponement be for a brief period.²²² But he hoped that no expectation of receiving important intelligence from Washington would cause the question to be put off till towards the close of the session.²²³ He trusted that in the meantime intelligence will be received of the advent to power of Lord Stanley, and then matters will wear an aspect totally different from the present.²²⁴

MR. INSP. GEN. HINCKS replied that the mere advent to power of Lord Stanley would produce no effect whatever upon the policy of this House; though there might be some difference in the result of any appeal by this Government to that of England.²²⁵

MR. H. SHERWOOD said²²⁶ [that] very powerful American interests were now being brought to bear on the American government with regard to the question, it was said, but he had very little faith that the influences would produce any result²²⁷ so long as we pursue our present policy.²²⁸

(60)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. McFarland reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday the twentieth instant.

Territorial
Divisions Bill
(U.C.).

The Order of the day for the second reading of the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Sir Allan N. MacNab, seconded by Mr. Dickson, The House adjourned until Monday next.

APPENDIX: 6 JUNE 1851.

[NOTICE OF ADDRESS RE: POST OFFICE.]²²⁹

MR. H. SHERWOOD gave notice of a motion for the production of a copy of the arrangement, or contract, entered into between the Post Office authorities and the Province, and those of Great Britain and the United States; and of copies of any documents having reference thereto.²³⁰

[QUESTION AND ANSWER RE: LAND SCRIP.]²³¹

MR. H. SMITH of Frontenac inquired of the ministry if it is the intention of the government to extend the time for granting and receiving Land Scrip, and if so, for how long a period?²³²

MR. COM. CR. LANDS PRICE said the Government have no intention to extend the time for granting or receiving Land Scrip. (Hear, hear.)²³³

FOOTNOTES: 6 JUNE 1851.

1. JOURNAL DE QUEBEC, 12 June 1851.
2. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
3. GLOBE, 7 June 1851.
4. BRITISH COLONIST, 10 June 1851.
5. GLOBE, 7 June 1851.
6. BRITISH COLONIST, 10 June 1851.
7. GLOBE, 7 June 1851.
8. IBID.
9. BRITISH COLONIST, 10 June 1851.
10. GLOBE, 7 June 1851.
11. BRITISH COLONIST, 10 June 1851.
12. GLOBE, 7 June 1851.
13. IBID.
14. BRITISH COLONIST, 10 June 1851.
15. IBID.
16. IBID.
17. IBID.
18. GLOBE, 7 June 1851.
19. IBID.
20. EXAMINER, 11 June 1851.
21. GLOBE, 7 June 1851.
22. EXAMINER, 11 June 1851.
23. GLOBE, 7 June 1851.
24. IBID.
25. IBID.
26. IBID.
27. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
28. GLOBE, 7 June 1851.
29. EXAMINER, 11 June 1851.
30. IBID.
31. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
32. GLOBE, 7 June 1851.
33. EXAMINER, 11 June 1851.
34. GLOBE, 7 June 1851.
35. BRITISH COLONIST, 10 June 1851.
36. EXAMINER, 11 June 1851.
37. BRITISH COLONIST, 10 June 1851.
38. EXAMINER, 11 June 1851.
39. BRITISH COLONIST, 10 June 1851.
40. GLOBE, 7 June 1851.
41. EXAMINER, 11 June 1851.
42. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE,

- 7 June 1851; and EXAMINER, 11 June 1851.
43. EXAMINER, 11 June 1851.
 44. BRITISH COLONIST, 10 June 1851.
 45. EXAMINER, 11 June 1851.
 46. BRITISH COLONIST, 10 June 1851.
 47. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
 48. BRITISH COLONIST, 10 June 1851.
 49. IBID.
 50. GLOBE, 7 June 1851.
 51. BRITISH COLONIST, 10 June 1851.
 52. GLOBE, 7 June 1851.
 53. BRITISH COLONIST, 10 June 1851.
 54. GLOBE, 7 June 1851.
 55. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by: GLOBE, 7 June 1851; and EXAMINER, 11 June 1851.
 56. EXAMINER, 11 June 1851.
 57. IBID.
 58. IBID.
 59. IBID.
 60. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 9 June 1851, MORNING CHRONICLE, 9 June 1851, MONTREAL TRANSCRIPT, 10 June 1851, BATHURST COURIER, 13 June 1851, and LA MINERVE, 10 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 10 June 1851, MONTREAL GAZETTE, 12 June 1851, PILOT, 12 June 1851, NORTH AMERICAN, 13 June 1851, and LA MINERVE, 14 June 1851. The debate was also reported by: GLOBE, 7, 10 June 1851; MONTREAL GAZETTE, 10 June 1851; EXAMINER, 11 June 1851; BRITISH COLONIST, 13 June 1851; JOURNAL DE QUEBEC, 14 June 1851; and LA MINERVE, 17 June 1851. A commentary also appeared in JOURNAL DE QUEBEC, 14 June 1851.
 61. GLOBE, 10 June 1851.
 62. BRITISH COLONIST, 10 June 1851.
 63. GLOBE, 10 June 1851.
 64. BRITISH COLONIST, 10 June 1851.
 65. EXAMINER, 11 June 1851.
 66. BRITISH COLONIST, 10 June 1851.
 67. GLOBE, 10 June 1851.
 68. BRITISH COLONIST, 10 June 1851.
 69. GLOBE, 10 June 1851.
 70. BRITISH COLONIST, 10 June 1851.
 71. GLOBE, 10 June 1851.
 72. BRITISH COLONIST, 10 June 1851.
 73. GLOBE, 10 June 1851.
 74. GLOBE, 10 June 1851, gives this figure as 33 1/3%.
 75. BRITISH COLONIST, 10 June 1851.
 76. GLOBE, 10 June 1851.
 77. BRITISH COLONIST, 10 June 1851.
 78. GLOBE, 10 June 1851.
 79. EXAMINER, 11 June 1851.
 80. BRITISH COLONIST, 10 June 1851.
 81. GLOBE, 10 June 1851.

82. BRITISH COLONIST, 10 June 1851.
83. GLOBE, 10 June 1851.
84. BRITISH COLONIST, 10 June 1851.
85. GLOBE, 10 June 1851.
86. BRITISH COLONIST, 10 June 1851.
87. GLOBE, 10 June 1851.
88. BRITISH COLONIST, 10 June 1851.
89. GLOBE, 10 June 1851.
90. BRITISH COLONIST, 10 June 1851.
91. EXAMINER, 11 June 1851.
92. GLOBE, 10 June 1851.
93. EXAMINER, 11 June 1851.
94. BRITISH COLONIST, 10 June 1851.
95. GLOBE, 10 June 1851.
96. BRITISH COLONIST, 10 June 1851.
97. EXAMINER, 11 June 1851.
98. BRITISH COLONIST, 10 June 1851.
99. EXAMINER, 11 June 1851.
100. BRITISH COLONIST, 10 June 1851.
101. EXAMINER, 11 June 1851.
102. BRITISH COLONIST, 10 June 1851.
103. EXAMINER, 11 June 1851.
104. BRITISH COLONIST, 10 June 1851.
105. EXAMINER, 11 June 1851.
106. BRITISH COLONIST, 10 June 1851.
107. EXAMINER, 11 June 1851.
108. BRITISH COLONIST, 10 June 1851.
109. EXAMINER, 11 June 1851.
110. GLOBE, 10 June 1851.
111. EXAMINER, 11 June 1851.
112. BRITISH COLONIST, 10 June 1851.
113. EXAMINER, 11 June 1851.
114. BRITISH COLONIST, 10 June 1851.
115. GLOBE, 10 June 1851.
116. BRITISH COLONIST, 10 June 1851.
117. GLOBE, 10 June 1851.
118. EXAMINER, 11 June 1851.
119. GLOBE, 10 June 1851.
120. BRITISH COLONIST, 10 June 1851.
121. EXAMINER, 11 June 1851.
122. BRITISH COLONIST, 10 June 1851.
123. EXAMINER, 11 June 1851.
124. BRITISH COLONIST, 10 June 1851.
125. EXAMINER, 11 June 1851.
126. BRITISH COLONIST, 10 June 1851.
127. EXAMINER, 11 June 1851.
128. GLOBE, 10 June 1851.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. EXAMINER, 11 June 1851.
134. GLOBE, 10 June 1851.
135. EXAMINER, 11 June 1851.
136. GLOBE, 10 June 1851.
137. EXAMINER, 11 June 1851.

138. BRITISH COLONIST, 10 June 1851.
139. EXAMINER, 11 June 1851.
140. BRITISH COLONIST, 10 June 1851.
141. GLOBE, 10 June 1851.
142. EXAMINER, 11 June 1851.
143. BRITISH COLONIST, 10 June 1851.
144. EXAMINER, 11 June 1851.
145. GLOBE, 10 June 1851.
146. BRITISH COLONIST, 10 June 1851.
147. GLOBE, 10 June 1851.
148. BRITISH COLONIST, 10 June 1851.
149. EXAMINER, 11 June 1851.
150. GLOBE, 10 June 1851.
151. EXAMINER, 11 June 1851.
152. GLOBE, 10 June 1851.
153. BRITISH COLONIST, 10 June 1851.
154. GLOBE, 10 June 1851.
155. EXAMINER, 11 June 1851.
156. GLOBE, 10 June 1851.
157. BRITISH COLONIST, 10 June 1851.
158. GLOBE, 10 June 1851.
159. BRITISH COLONIST, 10 June 1851.
160. GLOBE, 10 June 1851.
161. BRITISH COLONIST, 10 June 1851.
162. GLOBE, 10 June 1851.
163. EXAMINER, 11 June 1851.
164. GLOBE, 10 June 1851.
165. EXAMINER, 11 June 1851.
166. GLOBE, 10 June 1851.
167. EXAMINER, 11 June 1851.
168. GLOBE, 10 June 1851.
169. BRITISH COLONIST, 10 June 1851.
170. EXAMINER, 11 June 1851.
171. GLOBE, 10 June 1851.
172. EXAMINER, 11 June 1851.
173. GLOBE, 10 June 1851.
174. IBID.
175. EXAMINER, 11 June 1851.
176. GLOBE, 10 June 1851.
177. EXAMINER, 11 June 1851.
178. IBID.
179. BRITISH COLONIST, 10 June 1851.
180. EXAMINER, 11 June 1851.
181. GLOBE, 10 June 1851.
182. EXAMINER, 11 June 1851.
183. GLOBE, 10 June 1851.
184. EXAMINER, 11 June 1851.
185. BRITISH COLONIST, 10 June 1851.
186. GLOBE, 10 June 1851.
187. EXAMINER, 11 June 1851.
188. BRITISH COLONIST, 10 June 1851.
189. IBID.
190. GLOBE, 10 June 1851.
191. BRITISH COLONIST, 10 June 1851.
192. GLOBE, 10 June 1851.

193. BRITISH COLONIST, 10 June 1851.
194. GLOBE, 10 June 1851.
195. BRITISH COLONIST, 10 June 1851.
196. GLOBE, 10 June 1851.
197. BRITISH COLONIST, 10 June 1851.
198. GLOBE, 10 June 1851.
199. BRITISH COLONIST, 10 June 1851.
200. GLOBE, 10 June 1851.
201. BRITISH COLONIST, 10 June 1851.
202. GLOBE, 10 June 1851.
203. BRITISH COLONIST, 10 June 1851.
204. EXAMINER, 11 June 1851.
205. IBID.
206. GLOBE, 10 June 1851.
207. EXAMINER, 11 June 1851.
208. BRITISH COLONIST, 10 June 1851.
209. EXAMINER, 11 June 1851.
210. BRITISH COLONIST, 10 June 1851.
211. EXAMINER, 11 June 1851.
212. BRITISH COLONIST, 10 June 1851.
213. GLOBE, 10 June 1851.
214. EXAMINER, 11 June 1851.
215. BRITISH COLONIST, 10 June 1851.
216. GLOBE, 10 June 1851.
217. BRITISH COLONIST, 10 June 1851.
218. EXAMINER, 11 June 1851.
219. BRITISH COLONIST, 10 June 1851.
220. EXAMINER, 11 June 1851.
221. BRITISH COLONIST, 10 June 1851.
222. GLOBE, 10 June 1851.
223. EXAMINER, 11 June 1851.
224. GLOBE, 10 June 1851.
225. IBID.
226. IBID.
227. EXAMINER, 11 June 1851.
228. GLOBE, 10 June 1851.
229. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by GLOBE, 7 June 1851.
230. GLOBE, 7 June 1851.
231. The following papers reported the exchange on this question in identical accounts: GLOBE, 7 June 1851, BRITISH COLONIST, 10 June 1851, PILOT, 12 June 1851, and NORTH AMERICAN, 13 June 1851. The debate was also reported by EXAMINER, 11 June 1851.
232. EXAMINER, 11 June 1851.
233. GLOBE, 7 June 1851.

MONDAY, 9 JUNE 1851.

(60)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Chabot,--Two Petitions of the Mayor and Councillors of the City of Quebec; the Petition of Mrs. Marie Antoinette Gaudry, widow of the late André Gaudry, of Quebec; and the Petition of Lady Caldwell and others, the Ladies Managers of the Male Orphan Asylum of Quebec in connection with the Church of England.

By Mr. Guillet,--The Petition of F.E.N. Borgden and others, of the Parish of Ste. Anne, County of Champlain.

By Mr. Richards,--The Petition of the Reverend N.F. English and others; the Petition of G.W. Allen and others, of the Village of Gananoque and vicinity; and the Petition of David Stevenson.

By Mr. Taché,--The Petition of J.B. Lebel and others, of the Township of Whitworth, County of Rimouski; the Petition of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski; the Petition of P. Gauvreau, Esquire, and others, of the Parish of St. Germain, County of Rimouski; the Petition of Joseph Garon, Esquire, and others, of the Parish of St. Germain, County of Rimouski; and the Petition of Isaac Roy, Esquire, and others, of the Parish of St. Fabien and others, Pilots of the River St. Lawrence.

By Mr. Cauchon,--Two Petitions of the Municipal Council of the Municipality of Fraserville, County of Rimouski.

By the Honorable Mr. Badgley,--The Petition of Ira Gould and others his sons, of the City of Montreal.

By Mr. Jobin,--The Petition of Mrs. E. Arnoldi and others, Charitable Ladies, the Directresses and Officers of the Catholic Orphan Asylum of Montreal.

By Mr. Fortier,--The Petition of Gaspard Moras and others, Censitaires, of the Parish of St. Pierre lesBecquets; the Petition of Joseph A. Mailhot and others, freeholders, of the Parishes of St. Pierre lesBecquets and St. Jean les Chaillons; the Petition of J.B. Legendre, Esquire, Mayor, and others, Censitaires and Freeholders, of the Parish of Gentilly.

By Mr. Laurin,--The Petition of Pierre Dorion, Esquire, and others, inhabitants of the Parishes in the neighbourhood of Quebec.

By Mr. Bell,--The Petition of the Reverend W. Bell, A.M., and others, the Minister and Elders of the First Presbyterian Church in Perth; and the Petition of James Allan and others, of the Town of Perth, in public meeting convened.

By Mr. Notman,--The Petition of John Eakins and others, Officers who served in the Militia during the late American War.

By Mr. Mackenzie,--The Petition of John McKenzie, of the Township of Bosanquet, County of Lambton; and the Petition of Robert Doan, of the Township of Crowland.

By the Honorable Mr. Boulton,--The Petition of the Municipality of the Township of Pickering.

By Mr. Smith of Durham,--The Petition of the Town Council of Port Hope.

By Mr. Gugy,--The Petition of J. Duquay and others, on behalf of a meeting of inhabitants of the County of Yamaska; and the Petition of John Henderson, of the Parish of Beauport.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of George Paterson and others, of Bytown and the County of Carleton; praying for the passing of an Act to incorporate the County of Carleton General Protestant Hospital.

Of the Corporation of the Seminary of St. Hyacinthe; praying aid to enable them to construct a building better adapted to the requirements of the Community of St. Hyacinthe than the one now used by the said Seminary.

Of Mrs. Maria Wilkins, widow of the late Richard Wilkins, Esquire, of the Town of Brantford; praying that the prayer of the Petition of George S. Wilkes and Caira Robbins his wife, for the passing of an Act to enable her to dispose of certain property, be not granted.

(61)

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying certain amendments to the Municipal Corporations Act.

Of Samuel W. Ryckman and others; praying an Act of Incorporation as the Canada West Farmers' Mutual and Stock Insurance Company.

Of the Right Reverend the Lord Bishop of Toronto, on behalf of the Clergy and Laity of the Diocese of Toronto, in Conference assembled at Toronto; praying for the establishment of separate Common Schools for the use of the children of members of the Church of England.

Of the Right Reverend the Lord Bishop of Toronto, on behalf of the Clergy and Laity of the Diocese of Toronto, in Conference assembled at Toronto; praying that no measure or enactment may be passed which would disturb the appropriation of the Lands called Clergy Reserves.

Of C.J. Mickle, President, and G. Pine, Secretary, of the Guelph Farmers and Mechanics' Institute; praying aid in behalf thereof.

Of Alexander Douglas, Esquire, and others, of the County of Welland; praying an Act of Incorporation for the construction of a Suspension Bridge across the Niagara River, near the Waterloo Ferry, to the opposite point at or near the Village of Black Rock.

Of Robert Headland and others, of the County of Grenville; praying the passing of an Act to prevent the hounding and prohibit the killing of Deer at certain seasons.

Of William Murray, of the City of Montreal, Contractor; praying compensation for monies withheld from him by the Government when due, and for losses sustained thereby, as a contractor on the Welland Canal.

Of Alexander Campbell, of Thorah, County of York; complaining that a certain lot of land in the said Township which he purchased from the Government in 1827, and upon which he had settled and made improvements and payments, has been subsequently sold to another party by the Government, and praying relief in the premises.

Of Elias Snider and others, Members of the various Municipalities in the County of Waterloo, the United Counties of Wentworth and Halton, and the County of Oxford; praying for the passing of the proposed Bill for making certain alterations in the Territorial Divisions of Upper Canada.

Of John Kearnes, Esquire, and others, of the United Counties of Prescott and Russell; praying for the passing of an Act to promote the construction of a Northern Main Trunk Railway by the line of the Ottawa River, connecting the Cities of Montreal and Kingston.

Of George B. Faribault, of the City of Quebec, Esquire, President of the Literary and Historical Society of Quebec; praying the usual aid in behalf thereof.

Of Robert Cotton, of the Town of Port Credit, County of York, Esquire; praying that a certain portion of Road allowance running through his lands near the said Town, be vested in him upon condition of his paying the value thereof.

Of Hypolite Dubord, of the Parish of Pointe aux Trembles, Esquire; representing that he is the Appellant in a case pending in the Court of Appeal of Lower Canada, which case involves a certain question of Seigniorial right, and praying that Judges who are proprietors of Seigniories may be declared incom-

petent to sit in cases where Seigniorial rights are in question.

Of Jean B. Morissette and others, Censitaires and Tenants, of the Parish of Ste. Marguerite de la Beauce, County of Dorchester; praying for the passing of an Act to define the rights of Seigniors, and for the commutation of the Seigniorial Tenure.

Of the Honorable G. Moffatt and others, of the City of Montreal; praying an Act of Incorporation as the Marine Mutual Insurance Company of Montreal.

Of C. Trudel, Esquire, and others, of the Parish of Ste. Geneviève de Batiscan; praying for the passing of an Act granting compensation to Jurors for their attendance in Court.

Of John Watkins and others interested in the navigation of the St. Lawrence between Montreal and Kingston; praying for the establishment of a Trinity House at Kingston.

Of Henry Smith, Esquire, late Warden of the Provincial Penitentiary of Canada; complaining of the manner in which the investigation of charges preferred against him was conducted by the Commissioners appointed for that purpose, and also of his suspension and final removal from the said Office, and praying relief in the premises.

Of Thomas Costen, of the City of Hamilton, late Head Keeper of the Provincial Penitentiary; complaining of his dismissal from the said office, and praying relief.

Of the City of Kingston Water Works Company; praying the amendment of their Act of Incorporation, so as to enable them to use the extra power of their Engine for such purposes as they may deem best.

Of the Municipality of the Township of Nichol; praying that should it be deemed necessary, as proposed, to divide the said Township, such division be confined to the original plan of the Village of Elora.

Of C. McGeorge and others, of the Village of Ayr; praying that in the proposed Territorial Division into Counties, the Township of Dumfries may be attached to the County of Brant,--or that if the said Township be divided, then the said Village may be attached to the said County.

Of John Boyes and others, of Amherst Island; praying that their Township be not severed from the County of Addington and annexed to the County of Frontenac, as proposed.

Of the Quebec Board of Trade, and of Messieurs Allan Gilmour and Company, and others, Merchants, of Quebec, connected with the Lumber Trade; praying that the Bill to amend the Act for regulating the inspection and measurement of Lumber may not pass into law.

Of Israel Rice, of the Township of Ham, District of St. Francis; representing that for many years he was the only settler in the said Township, and the only resident on the Gosford Road for a distance of thirty miles,--that he saves many lives thereon, and afforded shelter and support to the destitute travellers, for which he has received no compensation, and praying the consideration of the House in the premises.

Of John Evans and others, owners and shipmasters trading to and now in the Port of Quebec; praying that the funds now in the hands of the Board of Trade for the support of an efficient River Police be placed under other control,--that an efficient River Police Force be established to prevent the desertion and preserve order in the shipping of Seamen,--and for the amendment of the Act regulating the shipping of Seamen.

Of E.E. Méthot and others, of the Parish of Lotbinière; praying the passing of an Act to reduce the Seigniorial Rents in Lower Canada to their original rate, and to provide for the commutation of the Seigniorial Tenure, at the option of the Censitaires.

Of the Reverend T.B. Pelletier and others, of the Parish of Terrebonne, County of Terrebonne; praying aid in behalf of the Masson College in the said

Parish.

(62)

Of Michel Hamel and others, licensed Cullers for the Port and District of Quebec; praying the passing of an Act to explain and define the true meaning of the twenty-second clause of the Act to regulate the culling and measurement of Lumber.

Petitions to
be printed.

Ordered, That the Petition of John Evans and others, owners and shipmasters trading to and now in the Port of Quebec, and the Petition of E.E. Méthot

and others, of the Parish of Lotbinière, be printed for the use of the Members of this House.

Second Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Angus D. Macdonell and others; of Philip Durnford and others; of George S. Wilkes and Caira Robbins, his wife; of the Municipal Council of Wentworth and Halton (sale of Court House Square in Hamilton); of Peter Hunter Hamilton; of the Municipal Council of Waterloo (arrear of taxes); of the British American Fire and Life Assurance Company; and of John G. Bowes, Esquire, and others,--and find that in each case notice has been duly given by the Petitioners.

The Petition of D. Paterson and others, prays for an Act to enable the Toronto and Lake Huron Railroad Company to resume its operations with permission to those subscribers who desire it to withdraw, on paying their proportion of the debts of the Company. Your Committee find that no notice has been given by the Petitioners; but as no new powers or privileges are now sought for, and notice having been dispensed with by Your Honorable House upon a similar application at the last Session, Your Committee would respectively recommend that it be also dispensed with in the present instance.

With respect to the Petitions of the Right Reverend the Lord Bishop of Montreal; of John Rolph, Esquire, and others; of the Reverend Stephen Lett, L.L.D., and others; of Thomas Helliwell and others; of George S. Tiffany, Esquire, and others; and of the Honorable Christopher Widmer, M.D., and others, Your Committee are respectfully of opinion that notice is not requisite in any of these cases, as the Petitioners do not seek to obtain any exclusive rights or privileges, or any powers that would tend to interfere with the rights of other parties.

Your Committee have examined the Petition of the Great Western Railroad Company, praying for an Act to consolidate and amend the provisions of their Charter, which has been in existence for many years, and under which the work is now being prosecuted. They find that notice has been published for the full period required by the sixty-fourth Rule, in a Hamilton paper, for the County of Wentworth; but as the said Railroad is intended to pass also through the Counties of Oxford, Middlesex, Kent, and Essex, in none of which has notice been published, and as the Petition does not state what is the nature of the amendments desired, or whether they are such as might interfere with the rights of other parties, Your Committee cannot make any recommendation, but submit the matter to the consideration of Your Honorable House.

With respect to the Petition of the President, Directors, and Company of the Port Burwell Harbour, for authority to impose tolls upon lumber exported through the said Harbour, Your Committee find that no notice has been given. It appears that in the Schedule of Tolls contained in their Act of Incorporation, lumber was omitted, inasmuch as no trade in the article then existed upon

the Otter Creek; but parties since that time, taking advantage of the omission, are in the habit of cutting saw-logs on the Creek, carrying them down the works, and exporting them to the United States without paying toll. Your Committee conceive that the amendment prayed for by the Petitioners would be a benefit not only to themselves but to the public at large, and a protection to the manufacturers of lumber in that part of the country; and they beg leave, therefore, respectfully to recommend that the usual notice be dispensed with in this case.

Petitions
referred.

Ordered, That the Petition of George Paterson and others, of Bytown and the County of Carleton, and the Petition of the Honorable G. Moffatt and others, of the City of Montreal, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of E.E. Méthot and others, of the Parish of Lotbinière, and, also, all other Petitions on the subject of the Seigniorial Tenure in Lower Canada, received by this House since the second instant up to the present day, inclusive, and which have not already been referred, be referred to the Select Committee on Seigniorial Tenure in Lower Canada.

Hudson's Bay
Company.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following

Return:--

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 2nd instant, praying that His Excellency would be pleased to cause to be laid before the House, copies of all Titles, Leases or Concessions made in favor of the Hudson's Bay Company, which are now in force, and of all Correspondence between the Government and the said Company, since 1848.

By Command.

J. LESLIE,
Secretary.

Secretary's Office,
Toronto, 9th June, 1851.

Executive Council Office,
Toronto, 6th June, 1851.

Sir,--In reply to your letter, dated 5th instant, enclosing an extract from an Address of the Legislative Assembly, requesting "that copies be transmitted to this House of all titles, leases, or concessions made in favor of the Hudson's Bay Company, which are now in force, and of all correspondence between the Government the said Company, since 1848." I have the honor to state that the only documents of the description referred to, to be found in this Office, are those of which I have now the honor to enclose copies.

I have the honor to be, Sir,

Your most obedient Servant,

Wm. H. LEE.

The Honorable James Leslie,
Provincial Secretary.

(Copy.)

Case of the King's Posts.

This District was leased by the Crown to the Hudson's Bay Company in 1842, for twenty-one years, for the purpose of ensuring to the Company "an exclusive trade with the Indians, and an exclusive Seal Fishery."

And in order that the Lessees might enjoy without let or hindrance these

exclusive rights, the Crown bound itself to make no entry upon the land, excepting only, "for the purposes of actual settlement and cultivation thereof, but for no other purpose or on any other account whatsoever."

(63)

Lumbering parties, in considerable numbers, have nevertheless been permitted to invade the territory with licences to cut timber, and with no view of settlement or actual cultivation of the soil: This is alleged as a grievance by the Hudson's Bay Company; and it will be for the Commissioner about to visit those parts to ascertain the fact, or otherwise, of such intrusion upon the territory exclusively granted to the Company.

(Copy.)

Crown Lands Department,
Montreal, 5th September, 1849.

The difficulty between the Government and the Hudson's Bay Company in regard to the King's Posts, arises from the legal construction the latter put on some of the provisions of the Lease, and appears to be more matter of reference to the Law Officers of the Crown, than to the Commission of Inquiry.

Their Lease, signed at Quebec, the 27th June, 1842, by the late Governor General, Sir Charles Bagot, for twenty-one years, from 1st October following, is, "for the purposes of carrying on an extensive trade with the Indians at and upon the said Domain Lands, and an exclusive Seal Fishery and Seal Fisheries," with the proviso however, "that nothing in the Lease contained shall extend or be construed to extend to prevent the right from time to time, and at all times during the said Lease, of Her Majesty to grant and convey any portion of the said tract as to Her Majesty may deem expedient, and the benefit of Her Province and of Her loving subjects therein may require, for the purposes of actual settlement and cultivation thereof, but for no other purpose or on any other account whatever."

Under the foregoing agreement, the Hudson's Bay Company contend that the Government have no right whatever to grant licenses to cut timber in the forests of the tract in question, and that all such grants are an infringement of their privileges, and a violation of their rights; and if the Government is to be held strictly to the letter of the Lease, the Hudson's Bay Company may perhaps be maintained in the position they assume.

They complain that the lumbers, as well as the settlers, carry on an extensive trade with the Indians, to the great prejudice of the Company and the demoralization of the Indians. With regard to the settlers, if they infringe on the privileges of the Company, the latter have, it is presumed, their recourse against them before the Courts of Law; settlements being authorized, the Government cannot be made answerable for their Acts; but it may be different with lumberers, if the Government have exceeded their powers in granting them licences.

If the complaints of the Company are deemed well founded, proposals might be made to them for a partial or total resiliation of the Lease; but if no satisfactory arrangement can be effected, and the Legal Advisers of the Crown are of opinion that licenses to cut timber may be granted under the terms of the Lease, the only alternative left will be to sue the Company for the rent due, which, it is understood, they refuse to pay, and which will leave the decision of the matter to the Courts of Law.

The accompanying memorandum is the only paper connected with this case, that has reached this office.

(Signed,) T. BOUTHILLIER.

Council Office, 20th September, 1849.

The Committee recommend that the within Report with the Paper therewith

sent, be referred to the Honorable the Attorney General for Lower Canada, for his opinion thereon.

(Signed,) J. JOSEPH, C.E.C.

(Copy.)

Hudson's Bay House,
Lachine, 29th October, 1849.

Sir,--With reference to several interviews I have had with you, and verbal and written communications from Mr. Derbshire, the result of conversations with yourself and Mr. Bouthillier, upon the subject of the Hudson's Bay Company's Lease of the King's Posts, respecting which we have memorialized and petitioned the Canadian Government since the year 1843, I shall feel particularly obliged by your stating to me in what position that question now stands, so far as the intentions of the Government are concerned.

I am given to understand verbally by Mr. Derbshire, that before taking into consideration the claim advanced by the Company for losses occasioned under its Lease by the action of the Government, the Executive Council desire to have the decision of the Judicial Bench upon the following Question in the interpretation of the Letters Patent, viz: Whether the right to grant Licenses to lumber on the territory in question was or was not reserved by the Crown, in the said Letters; and that for the prompt attainment of this object, proceedings in the nature of a friendly suit would be taken, whereby this particular question should be raised, and the decision of the Bench obtained.

The immediate removal of the Government from Montreal, and the slow progress of communications by post at a distance during winter, together with the necessity imposed upon me of taking steps to meet the views of the Government in promoting the interests of the Company, will I hope be to you a sufficient apology for my troubling you on this occasion.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed,) G. SIMPSON.

The Honorable James H. Price,
Commissioner of Crown Lands,
Montreal.

Department of Crown Lands,
Toronto, January 22nd, 1850.

Sir George Simpson prays to be informed of the intentions of the Government in reference to his memorials on the subject of the Hudson's Bay Company's Lease of the King's Posts.

It is, I presume, known to the Government that Sir George, in his various petitions complains that the granting of licenses to cut timber on the territories leased to the Company, and for which they pay a heavy rent, is a violation of their privileges, and subjects them to large annual losses for which he claims compensation. He seems desirous, should the Government not feel justified in affording the Company the redress to which they conceive themselves entitled, that the question should be settled by an amicable but immediate reference to the Courts of Law.

There are expressions in the Lease which I am inclined to think must render the success of the Crown uncertain, in the event of a suit; but without pretending to enter in the legal merits of the case, there are considerations of a general nature which might perhaps induce the Government to propose some arrangement to the Company. With the impression that seems to exist that the Government have not exceeded their powers in permitting the lumberers to invade the forests of the Saguenay in all directions, indemnity of any kind of reimbursement of any part of the rent paid, is out of question; but the priv-

ileges of the Company, such as they are, are looked upon with jealousy by the settlers, and must be a constant source of altercation and collision between them and the Company's servants. They claim, in addition to the Trade with the Indians, an exclusive right to the Seal Fisheries on the shores of the

(64)

St. Lawrence. Settlements are extending fast in that direction, and the settlers are anticipating from these Fisheries not only a means of support, but an object of profitable trade; if disappointed by the interference of the Company, they will naturally complain and seek redress from the Government.

A large tract of the King's Posts lying between the Rivers Betsiames and aux Outardes, is also required to be set apart for the use of the Montagnais Indians.

Under these circumstances, it would appear desirable to have the Lease, if not cancelled, at least so modified as to do away with all the exclusive privilege attached to it, and which now seem incompatible with the welfare of the inhabitants of that section of the country, even if all the rent were abandoned for the future.

From what I have been able to gather from Sir George, in conversation, I think he would be willing to give up all rights of a nature to interfere with the pursuits of the settlers, if permitted to retain the King's Posts, to the end of the Lease, at a mere nominal rent of some £30 or £50 per annum, to commence from the time that the former rent has ceased to be paid. Should it be deemed advisable to enter into some such arrangement with the Company, it would be well to reserve a right to the Crown to determine the Lease at any time after a notice of eighteen months. In all cases, all buildings and improvements occupied by the Company should revert to the Crown, without indemnity of any kind for the same.

(Signed,) T. BOUTHILLIER.

Timber Licenses.

The Honorable Mr. Price also presented,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 18th April, 1849, praying that His Excellency would be pleased to cause to be laid before the House, a Return of all Licenses granted, and applications for Licenses made, to cut Timber on the waste lands of the Crown on the Ottawa and its tributary streams west of Grenville, for the years 1847, 1848, and 1849; the names of the parties (alphabetically arranged) to whom such Licenses have been granted, and of the applicants for any such Licenses during the years aforesaid; the locality of each of such Licenses, and the extent of each of such Licenses in square miles; the description and quantity of timber to have been and to be cut thereon respectively, and whether for square timber or saw-logs; also, the amount of deposit in money paid on each of said Licenses when granted, and the quantity of timber returned annually by the holders thereof, as cut thereon respectively; also, a copy of the Instructions heretofore given to the Collector of Timber Duties at Bytown and other Crown Land Agents on the Ottawa for the granting of Timber Licenses, and a copy of the Instructions given for the future granting of such Licenses.

Appendix (M.)

For the said Return, see Appendix (M.)

Message from His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Halifax and
Quebec or
Montreal Rail-
road.

ELGIN and KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, copy of a Despatch and Enclosures from Her Majesty's Secretary of State for the Colonies, relative to the projected Railroad

between Halifax and Quebec or Montreal.

Government House,

Toronto, 6th June, 1851.

Appendix (N.)

For the Documents accompanying the said Message, see Appendix (N.)

Ordered, That the preceding Message and accompanying Despatches be printed for the use of the Members of this House; and referred to the Standing Committee on Railroads and Telegraph Lines.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Presentation of
Joint Addresses.

Mr. Speaker,

The Legislative Council agrees to the Conference desired upon the subject of a Message sent by their Honors to this House, on Wednesday the fourth instant, relative to the Addresses of both Houses on the repeal of the Duty on Foreign Timber imported into Great Britain; and acquaints this House that the Managers on the part of the Legislative Council are to be the Honorable Messieurs de Blaquière and Gordon, who are to meet the number of Managers required by Parliamentary usage, this day at half-past four o'clock in the afternoon, in the Committee Room of the Legislative Council

And then he withdrew.

Presentation of
Joint Addresses.

Resolved, That four Managers be appointed to meet the Managers appointed by the Honorable the Legislative Council, at the time and place appointed for the

holding of the Conference desired upon the message of their Honors sent down to this House on the fourth June instant, relative to the Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain.

Ordered, That the Honorable Mr. Boulton, the Honorable Mr. Attorney General Baldwin, the Honorable Mr. Sherwood, and Sir Allan N. MacNab, be appointed Managers on the part of this House.

Then the Managers went to the Conference; and being returned:--

The Honorable Mr. Boulton reported, That the Managers had been at the Conference, and had delivered to their Honors the Reasons for desiring the said Conference.

Timber
Licenses.

Ordered, That the Return relative to Licenses to cut timber on the waste lands of the Crown on the Ottawa and its tributary streams west of Grenville,

presented this day, be printed for the use of the Members of this House.

On motion of Mr. Morrison, seconded by Mr. Scott of Two Mountains,

Bill relating to
a Road Allowance
in the Township
of York.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," be read a second time on Wednesday next.

Post Office
Department.

Mr. Mackenzie moved, seconded by Mr. Smith of Durham, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would cause to be laid before this House, at as early a period of the Session as possible, a tabular Return containing the name of each Post Office in Canada, the County and the Township or Parish where it is situated, the name of the Postmaster, and the gross amount of Revenue collected during the past year: a Statement of the Revenue derived from Postage, and all other sources, for the year ending 5th April last, with the expenditure: a Report shewing the Contracts entered into for

(65)

the transportation of the Mail, their duration, the rates of compensation allowed, the mode or modes of transportation in each case, together with the offers made by rejected bidders, and whether, and if so, how long each Contract was advertized in the newspapers of the section of country to be traversed; as also, the like information as to any Contracts for the forwarding of the Mails since the Department has been under Provincial control, with a copy of the Rules under which Mail Contracts are offered: a Statement shewing the balances of Revenue in the hands of all Public Accountants in the Department, with the names of all Postmasters severally receiving a compensation over £25 each year, including services of whatever kind done by them to the Department, and how much was received by each Postmaster, and the amounts severally paid them for Clerk hire in all cases where it is allowed: a Report of the incidental expenses of the Department for the year to the 5th ultimo; also, the expenditures of disbursing Agents, and the names of Offices where boxes are kept or placed, shewing the rates charged per box per annum, and the revenue accruing from such boxes at such Offices: a Return of the names of all Clerks and other functionaries now employed in the Department of the Postmaster General, and stating their places of residence, the nature of their respective duties, and the rates of compensation paid them: a Report of the actual, or estimated average, value or amount of Printing annually required by the Department and its Offices, stating of what it chiefly consists, and whether it is performed by Contracts, and by whom, and at what rates; as also, the names of the present Contractors, or other parties employed: a Copy of the Rules or Instructions for the guidance of persons acting under the Department, including copy of the Agreement with the United States for reciprocal Postage, and of the arrangements for settling financial balances with England and Lower Colonies: and a Report stating the names of the several Mail routes, and the mode or manner in which the accuracy of Returns of their receipts of postage monies, by Deputy Postmasters, is effectually checked, and errors corrected; also, any Regulations as to the hours at which the Offices of Toronto, Montreal, Quebec, Hamilton, and other large Towns are to be kept open for the public convenience,--so far as it is within the power of the Post Office Department to supply the above information;¹

MR. MACKENZIE moved for certain Returns relative to the Post Office Department. He began his speech on the subject by referring to the justification set up by Lord Clive, when arraigned for mal-practices, in India, and drew a comparison between his Lordship's defence and that which Mr. Stayner might be supposed to make, if called upon to explain the whole secrets of the Post Office department, while under his management. Lord Clive² exclaimed, "by Jove when I think of what I might have taken, I am astonished at my own moderation."³ And Mr. Stayner might do the same--admitting that he had dipped largely into the public purse, but contending that he might have taken much more.⁴ [He] then complained of that gentleman's conduct in refusing certain information which he

(Mr. Mackenzie) had asked for⁵ [and] produced a letter from Mr. Stayner in answer to the inquiry of the government whether he could furnish the information for which he (Mr. Mackenzie) intended to move; stating that situated as he (Mr. Stayner) is, he declines taking upon himself the trouble of furnishing the information; that a part of it he could not supply at all, and was willing to lend the books to the government for a time, on the understanding that they should be returned to enable him to make up his accounts.⁶ Mr. Stayner's salary was very liberal, and⁷ he (Mr. Mackenzie) learned from a speech made by the Post Master General at Brockville that⁸ the revenue of the Post Office department of the Province, for the last year, amounted to \$400,000; yet neither of the late Postmaster General, nor of the Postal revenue, while under his management, could any satisfactory information be obtained.⁹ He wanted to know what was done with this money.¹⁰ He wanted to know how it was that this year there had been no surplus Post Office revenue.... If he recollected right, there was a surplus when the revenue was only \$20,000 per annum. He wanted to know what steps had been taken by Ministers to ascertain where this money had been spent. Having no information, he could only look back, and he found that several years ago, Mr. Berczyll, Postmaster of Toronto,¹² had a salary of £200 per annum, but fees made it £800 per annum and it was understood that his post was worth far more than that sum.¹³ The speaker went on at considerable length, and in his usual style--now assailing the Ministry for abandoning their principles, anon twitting parrots for preaching from notes ... and with the next breath extolling the private virtues of Sir A. Macnab.¹⁴ Here Mr. Mackenzie paid a high eulogy to Sir Allan McNab, whom he said he respected very highly, because, during all the troubles of 1837, the gallant Knight had never done one single cruel, or unmanly, or unkind thing, in times when many acted very differently. Still, he did not want the Tories in again, but he wished the Reformers to reform. Now he wanted to know what this gentleman, the Postmaster of Toronto, was to get hereafter. It was said £400, but then he used nominally only to get £250 per annum. What were to be the fees? The hon. member then related some personal reminiscences, especially an interview with Lord Stanley,¹⁵ with whom he (Mr. Mackenzie) once had an interview,¹⁶ while the Bishop of Dublin had to wait, and in which he brought Mr. Stayner under his lordship's notice.¹⁷ He read some letters received from¹⁸ both sections of the Province, pointing out abuses that have crept into our system of mail contracts, and¹⁹ stating that the carrying of the mails, if given out by contract, could be done for half what is now paid²⁰, and again demanded information. He went on to read an extract from the report of Cane Johnson, in the United States, complaining of the corruption which prevailed in that country, owing to the system of making the patronage of the Post Office depend upon politics. This was the system which, hereafter, was to prevail here, and the result would be the same as the United States; although as Mr. Price had said, the Governor General even previously, with the patronage he possessed, could mould any House of Assembly to his will. He then read a statement of Mr. Price, that no Government ever desired the inconvenient possession of patronage; but asked, farther, how it was in that case that he was assailed as a traitor when he proposed to elect Sheriffs?²¹ [He criticized] the conduct of the Government in elevating Mr. Sullivan ... [to] the Bench, because he was "a regular party hack," while Mr. Lesslie, of Dundas, who was deprived of the Post-Mastership of that town by Sir F. Bond Head's Administration, had been allowed to bear his loss without any effort at redress--and again reverting to the object of his motion, by pointing out the absence of all check upon Post-Masters in this Province, and the impunity with which parties having good connexions can perpetrate frauds upon the community. It was said that the House could not be furnished with some portions of the information for which

he moved. But the experience of England showed that every Post-Master can be made to account for every letter that comes into his possession²². He cited Colonel Hobbies report on the English Post Offices, to show the excellence of the English system of checks in the accounts. Now why, he asked, should not that be done here? It was in order to secure this that he asked the Post Master to send down an account of the forms by which he secured accountability.²³ He was satisfied that the Ministry could give all important facts upon the question.²⁴ In the United States it is customary to print the names of all the post masters and other useful information regarding the department; the same practice used to obtain in Lower Canada, where the House of Assembly used to look sharply after the public revenue.²⁵ That Ministers will not give these facts must be ascribed to obvious reasons, intimately connected with an approaching general election.²⁶ In the course of these observations he alluded to Mr. Justice Sullivan's appointment--a gentleman who, he said, had had a book printed by Mr. Lesslie without paying for it,²⁷ and of his experience in compiling the letters of B. F. Butler²⁸, and to some individuals who, he said, had slipped from justice after robbing the public²⁹, citing the case of a relative of Mr. Stayner, post master at Queenston who fled from justice, and another from Brantford who was sent to the penitentiary.³⁰

COL. PRINCE rose on a question of order, appealing to the Speaker whether the member for Haldimand should be allowed to talk for three-quarters of an hour on all imaginable subjects--vilifying the conduct of one man, impugning the motives on another, and, by his whole course, weakening the decorum and dignity which should be maintained in the Assembly.³¹

MR. MORIN the SPEAKER then said that he considered the hon. member had been out of order several times, but the fact was he got back to his subject so quickly--his aberrations so rarely extended to more than a sentence--that he (the Speaker) had no time to call him to order till he was back again to the question. (Loud laughter.)³²

MR. MACKENZIE said he should not have detained the House but for a knowledge that the motion was to be opposed. To mitigate that opposition, he had modified his motion in some respects; and as he had thus endeavoured to "sugar the pill," he trusted the Ministers would swallow it without more ado.³³

MR. INSP. GEN. HINCKS said, the hon. member for Haldimand had made one of his characteristic speeches, with the view of holding up the Government as opposed to giving information with regard to the Post Office Department. The hon. gentleman should have stated that he was previously told that the Government were ready to give all the information in their power on every point of practical utility. It is known that the present Post-Master General has not yet received the accounts and papers relating to the late Post Office Department, and it was therefore necessary to apply to Mr. Stayner to know whether the information moved for could be obtained. Mr. Stayner had replied that some of the information sought cannot be obtained at all, and that other portions of it will involve much labour and expense, but that he will send the books to the present Post-Master General to obtain these portions if desired.³⁴ They could give the names of all the post offices, the salaries of the officials employed in the departments and the duties they perform; with other information relating to the present condition of the department.³⁵ Yet after that the hon. member had chosen to attack the Government, and brought heavy charges against it, to the effect, that it desired to keep back information.³⁶ He (Mr. Hincks) could not see what practical result could

follow an inquiry into the accounts of the late Post-Master General. Now, we have got the whole Department under our control. There can be no doubt that a most rigid system of accountability prevailed under the former system as well as now--much more strict, indeed, than prevails in the United States. It was complained that Ministers have not given any account of surplus postage, although this charge must have been made with a full knowledge that until April last, we had nothing to do with it. One of the digressions of the member for Haldimand conveyed a lesson which ought to be remembered: he had alluded to a Mr. Butler, a custom house official at New York, whose salary was set down at \$400, while his emoluments amounted to \$28,000 a-year. This is exactly the system which prevails in the States, and³⁷ yet this was the system the Glear [*sic*] Grit gentlemen wanted to introduce in this country.³⁸ (Hear, hear.) With regard to contracts for carrying mails between Quebec and Montreal, he (Mr. H.) admitted that it is a monstrous thing, but whose fault is it? Neither that of the Gov't nor of the Postmaster General; but of a Clear Grit gentleman who was a correspondent of the member for Haldimand, and who entered into a contract to carry the mails between the places in question, although it afterwards appeared that he had not the control of a single steamer. The consequence was that the department were obliged to make a fresh contract, under disadvantageous circumstances, and at a higher rate that would otherwise have been paid. On this and every other point connected with the carrying of mails, the Government had no desire to withhold information. With regard to the removal of Mr. Lesslie from the Dundas post-office, he admitted that it was unjust treatment, but it occurred in 1837. The present Government did not come in until 1848, and they could not with propriety remove the postmaster who had in the interim discharged the duties of the office in a satisfactory manner. After some remarks on the course pursued by the present Postmaster General since his accession in office³⁹, the hon. member complained, too, of the corruption which prevailed in the United States Post Office. That corruption was caused by the system of turning out of office, all who were in office at the time a new administration came. And yet, while the hon. member complained of that, he had gone on to make it a great sin of the Government that they had not done the same thing. There were few perquisites at present allowed in the Post Office; each officer having merely his net salary. He concluded by moving an amendment, making some verbal amendments in the terms of the motion⁴⁰, striking out of the original motion those portions which were deemed of no practical value.⁴¹

(65)

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Price, That all the words after "possible" to the end of the Question be left out, and the words "1st, A Return containing the name of each Post Office in Canada, the County and Township or Seigniorie where situated, and the name of the Postmaster, and the salary when fixed. 2nd, Information respecting all contracts for the conveyance of the Mails in force when the Department came under Provincial control, or which have been made since, with a copy of the Rules under which Mail Contracts are offered. 3rd, A Return of the names of all Clerks and other functionaries now employed in the Department of the Postmaster General, and stating their places of residence, the nature of their respective duties, and the rates of compensation paid them at present. 4th, A Copy of the Instructions for the guidance of persons acting under the Department (Postmaster.) 5th, A Copy of the Agreement with the United States for reciprocal Postage. 6th, A Copy of the Instructions which are in force as to the hours at which the Offices at Toronto, Montreal, Quebec, Hamilton, and other Incorporated Towns, are to be kept open for the public convenience; and 7th, The gross Revenue of the Post Office in

Canada for the last fiscal year, together with the expenditure classified under the various heads under which the Accounts are kept," added instead thereof;

COL. PRINCE supported the amendment.⁴²

MR. MACKENZIE complained that the amendment proposed to withhold all information as to the post office revenue; his motion did not ask for the information on that point absolutely, but only so far as the government might be able to give it.⁴³

MR. J. SMITH (of Durham) vindicated the advocates of retrenchment from the Inspector General's charge, that their objects are to introduce the American system of low salaries with large fees and wholesale speculation. The people of the province were willing to give fair salaries to the public servants, taking care that they should be deprived of the means of taking more.⁴⁴

MR. H. BOULTON made some remarks on the difference between the returns as moved for, and as amended by the Ministry, and suggested a postponement of the matter⁴⁵, amidst cries of question from MR. ROSS⁴⁶, until Wednesday, to admit of more attention to it than could now be paid.⁴⁷

MR. H. SHERWOOD supported this view.⁴⁸

MR. CAYLEY expressed himself in favour of the fullest information so far as matters are under control of the Government; but he agreed with the hon. Inspector General in thinking that all the particulars moved for in relation to Mr. Stayner, were not necessary.⁴⁹

(65)

And a Debate arising thereupon;

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Sherwood, and the Question being put, That the Debate be adjourned until Wednesday next; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Christie, Dickson, Hopkins, Lyon, Mackenzie, Malloch, McConnell, McLean, Merritt, Sanborn, Seymour, and Sherwood of TORONTO.--(15.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Cayley, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Gagy, Guillet, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Sir Allan N. MacNab, Meyers, Mongenais, Morrison, Notman, Polette, Price, Prince, Richards, Robinson, Ross, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, and Taché.--(43.)

So it passed in the Negative;

MR. MERRITT asked the Inspector General whether it were not possible to obtain information relative to the revenue last year. That certainly could be obtained.⁵⁰ [He] pressed for the fullest information.⁵¹

SIR A. MACNAB, on the other hand⁵² could not understand how the hon. member for Lincoln could think of asking for such returns as these. It must be very difficult for the Government to obtain it. Would the hon. member, a late Executive Councillor, say it could be got?⁵³

Hear, hear, from MR. INSP. GEN. HINCKS.⁵⁴

SIR A. MACNAB [continued]: He should therefore support the amendment.⁵⁵

MR. MERRITT said, he was prepared to say that the Government could get these returns.⁵⁶ Some of the information objected to by the hon. Inspector General can be obtained from England, if it is not already in the possession of the provincial government.⁵⁷ They had been got in former years, and they were necessary, in order to see the differences of the system.⁵⁸

MR. INSP. GEN. HINCKS did not deny that some of the returns to which he had objected could be obtained, at much labour and expense;⁵⁹ doubtless the account of the Revenue could be got⁶⁰, but he saw no practical advantage in mixing up the management of the Post-office under Mr. Stayner, and under the present government⁶¹.

SIR A. MACNAB suggested an amendment of the amendment by the introduction of the last year's revenue and expenditure.⁶²

This was acceded to by MR. INSP. GEN. HINCKS and approved by MR. MACKENZIE.⁶³

In this shape [it] was agreed to without a division.⁶⁴

(65)

And the Question being put on the Amendment;

It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would cause to be laid before this House:--1st, A Return containing the name of each Post Office in Canada, the County and Township or Seigniorie where situated, and the name of the Postmaster, and the salary when fixed. 2nd, Information respecting all Contracts for the conveyance of the Mails in force when the Department came under Provincial control, or which have been made since, with a copy of the Rules under which Mail Contracts are offered, 3rd, A Return of the names of all Clerks and other functionaries now employed in the Department of the Postmaster General, and stating their places of residence, the nature of their respective duties, and the rates of compensation paid them at present. 4th, A Copy of the Instructions for the guidance of persons acting under the Department (Postmasters). 5th, A Copy of the Agreement with the United States for reciprocal Postage. 6th, A Copy of the Instructions which are in force as to the hours at which the Offices at Toronto, Montreal, Quebec, Hamilton, and other Incorporated Towns, are to be kept open for the public convenience. 7th, The gross Revenue of the Post Office in Canada for the last fiscal year, together with the expenditure classified under the various heads under which the Accounts are kept.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Registrars Fees
Bill, (U.C.).

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to reduce and regulate the Fees of Registrars in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Smith of Durham, seconded by Mr. Richards,

Quebec Fire
Loans.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this

House, a Return in continuation of that sent down on the 16th of July, 1850, shewing the amount of the sums, and the names of the respective parties still in arrear for principal and interest upon the Loans to the Inhabitants of Quebec, under the Provincial Statute 9 Vic. cap. 62; also, the number and names of parties, if any, who obtained Loans without giving security, as well as the dates and amounts and nature of the securities given by those who gave security, and the number and names of parties, if any, who have become bankrupt and insolvent, and the amount of loss in each case in consequence thereof, and from all other causes; and also, in whose custody the securities taken remain, and how much of the principal and interest has been received by the Government and paid over to the credit of the Consolidated Revenue, and the total expense attending the management of the fund at the present time.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Trinity College Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate Trinity College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Port Burwell
Harbour Company Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to amend the Act incorporating the Port Burwell Harbour Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Bill to enable
C.R. Wilkes to
convey certain
Real Estate.

Ordered, That Mr. Notman have leave to bring in a Bill to enable Caira Robbins Wilkes, the wife of George Samuel Wilkes, of Brantford, Esquire, to convey by herself certain Real Estate devised to her by her late father.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

(66)

On motion of Mr. Scott of Two Mountains, seconded by Mr. Bouthillier,

School Houses
(L.C.).

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will please to cause the proper Office to lay before this House, a Return of all monies advanced by the Superintendent of Education, Lower Canada, in aid of the building and repairs of School Houses in the different Municipalities, with the accounts of how the said monies have been expended, and in whose names the titles of the land are held upon which such School Houses are erected.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Scott of Two Mountains, seconded by Mr. Bouthillier,

Customs Department Montreal.

Resolved, That an humble Address be presented to His Excellency the Governor General praying that His Excellency will be pleased to cause the proper Officer to lay before this House, a Statement of the names of persons who have been or may now be engaged in the Customs Department in the City of Montreal, with the date of their appointment, for the years 1848, 1849, 1850, till the present date, 1851, stating the amount of salary attached to each of the said appointments for the above mentioned time.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. JOHNSON⁶⁵ moved that the names of Messrs. Scott, (Bytown), and Lyon be added, to the Committee on Railroads and Telegraph Lines.

The necessity of this motion was urged on the plea that the Ottawa district of country, one of vast importance, was not represented in that committee.⁶⁶ He would be willing to put a Lower Canada name in the place of one of them.⁶⁷

This was opposed by MESSRS. ROSS and CAUCHON, as a sectional arrangement, especially as there were already eight from Upper Canada to five from Lower Canada.⁶⁸

MR. MERRITT ... thought gentlemen with local knowledge ought to be selected.⁶⁹

MR. LYON contended that the Ottawa ought to be represented, seeing that it had shown the greatest enterprize of any part of the country, having already started a railway, when no other part of Upper Canada, except Hamilton, had even got to a reliable survey. Quebec was represented by Ross and Cauchon, and Mr. Taché from below Quebec was on the Committee; so that the lowest part of the Province, as to enterprize, was best represented.⁷⁰

MR. INSP. GEN. HINCKS thought it very inconvenient to add to a Committee after it was formed, especially under the idea of advocating sectional interests. If there were any they ought to be from Lower Canada.⁷¹

MR. CHAUVEAU stated that he had suggested that some member from the Ottawa section of the country, should be placed on the Committee, when it was formed, but was informed they were absent, and likely to be so. He mentioned the names of the members for Ottawa, Russell, and Bytown, as those whom he had suggested. He should object to two more members being added to the Committee; but he had no objection to two members of the Committee being changed, if it could be so arranged.⁷²

MR. J. SCOTT (Bytown) complained that the Provincial interests were not fairly represented on the Committee, but that local interests merely, preponderated upon it. Dr. Taché and Mr. Cauchon were left on, who had been standing members for some years, while Mr. Robinson, who had been at the head of the Board of Works, and given much of his time to the subject of Railways, was left out. He also mentioned Mr. Holmes, and Col. Prince, as being left out, who should have been on. He thought the least that could now be done would be for the House to allow two members from the Bytown section of the country to be added to the Committee.⁷³

MR. SOL. GEN. MACDONALD spoke nearly to the same effect as Mr. Chauveau, and said the members who complained should have been at their posts, and they

would have been put on the Committee.⁷⁴

MR. HOLMES said, it would have appeared that the Committee had been framed with a view to exclude the Ottawa section of the country, had it not been for the explanations of the hon. member for Quebec. He did not think the Ottawa District was fairly represented upon the Committee, and he should support the motion. This section of the country was of immense importance, and it was more desirable that it should be represented upon the Committee than Quebec, for Quebec would be of no importance whatever, if it were not for the Ottawa. He believed that if the opinion of the citizens of Montreal were fairly taken, that they would be in favour of the northern line. Constructing the road along this line would afford facilities for bringing certain articles to the sea board that could not otherwise be brought; and he (Mr. H.) believed it would pay the best.⁷⁵

MR. CARTIER would join issue with the hon. member when he stated that the opinions of the citizens of Montreal were in favour of the Northern line. Such was not the case, as the opinions of the Montrealers had been most unequivocally expressed in favour of the Southern line. He had heard from the hon. member in conversation, that he was pledged in favour of the Northern line, as he (Mr. C.) was to the Southern.⁷⁶

MR. HOLMES explained that he had had a conversation with Mr. Cartier, in which he had stated that it was of the highest importance that they should have a railroad, and that he thought the minority should submit to the majority in either case with this view. That was the extent of the conversation he had with the hon. member, and it was unbecoming and unjust, and contrary to the fact, for that hon. member to make the statement he had done. With regard to the citizens of Montreal not being in favour of the Northern line, that was a matter of opinion, and he (Mr. H.) believed they were.⁷⁷

MR. CARTIER explained to the effect that he had not intended to say the hon. member was pledged.⁷⁸

MR. INSP. GEN. HINCKS read over the names of the Committee, and contended they had no personal interest in either line of road, except, perhaps, two. He denied that there was any desire to compose the Committee with a view to local interest.⁷⁹

MR. H. SHERWOOD did not think the Committee should be interfered with on the threshold of their labours; and it was wrong to impute improper motives to them before some partiality was noticed. Besides the report of that Committee would not be final. He read over the names, and did not think the Committee had sectional interests from its composition.⁸⁰

MR. AT. GEN. BALDWIN made some remarks, but he was nearly inaudible. He was understood to say the Committee should not be altered, unless there was a general feeling in the House in favour of doing so. The Committee had been framed with a view to general interests, and if it were attempted [*sic*] to represent every interest on the Committee, the whole House might as well be taken. But the truth was that in the composition of a committee like that in question local interests should be excluded, as a more impartial report might be expected from a Committee, that was not locally interested. He deprecated the discussion that had taken place.⁸¹

MR. MERRITT moved an amendment, that the names of Messrs. Robinson and Holmes be added.⁸²

MR. LYON taunted Mr. Baldwin with having in a previous session tried to

procure an addition of names to this same Committee, with a view to swamp Sir Allan MacNab, and the Great Western Railway, but it appeared he had changed his sentiments now. With regard to members for the Ottawa section of the country not having been present when the committee was framed, he asked why Mr. Malloch's name had not been put on. Besides they had put his (Mr. L's.) name on the committee of expiring laws, notwithstanding his absence.⁸³

MR. J. SCOTT (Bytown), showed the immense extent of country the Ottawa District consisted of; and he thought the members from Quebec should be the last to oppose the motion, as if it were not for the timber trade of the Ottawa, Quebec would get the go-bye entirely, and shrink into a back city.⁸⁴

After some further conversation the amendment was withdrawn⁸⁵.

(66)

Railroads and
Telegraph
Lines.

Mr. Johnson moved, seconded by Mr. Bell, and the Question being put, That Mr. Scott of Bytown, and Mr. Scott of Two Mountains, be added to the Standing Committee on Railroads and Telegraph

Lines: the House divided:

MESSRS. CARTIER and CAYLEY prayed to be excused from voting, but they were not.⁸⁶

(66)

and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Attorney General Baldwin, Bell, Boulton of TORONTO, Burritt, Cartier, Chauveau, Solicitor General Drummond, Duchesnay, Fortier, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, Lyon, Mackenzie, Malloch, McConnell, McFarland, Merritt, Meyers, Notman, Polette, Price, Sanborn, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Taché, and Wilson.--(34.)

NAYS.

Messieurs Armstrong, Badgley, Cameron of CORNWALL, Cauchon, Cayley, Chabot, Christie, Dickson, Dumas, Fournier, Gagy, Hincks, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, McLean, Mongenais, Morrison, Ross, Sherwood of BROCKVILLE, and Sherwood of TORONTO.--(24.)

So it was resolved in the Affirmative.

Petitions
referred.

Ordered, That the Petition of Alexander Douglas, Esquire, and others of the County of Welland; the Petition of F. Boucher, Esquire, and others, of the Seigniory of Maskinongé, County of St. Maurice; the Petition of Edward Taylor Dartnell, of the City of Toronto, Esquire; the Petition of D'Alton McCarthy, of the Town of Barrie; and the Petition of W.S. Burnham, and others, Sons of Temperance, be referred to the Standing Committee on Standing Orders.

Bill to amend
and consolidate
the Criminal Law.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend and consolidate the Criminal Laws of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Code of Crim-
inal Procedure
Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to establish a Code of Criminal Procedure in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Physic and
Surgery Bill,
(U.C.).

Ordered, That Mr. Richards have leave to bring in a
Bill to amend the Law of Upper Canada relative to
the practice of Physic and Surgery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

(67)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Hincks,

Toronto Medi-
cal Board of
Examiners.

Resolved, That an humble Address be presented to His
Excellency the Governor General, praying that he
will be pleased to direct that in the Return of
the names of the Medical Gentlemen who have con-

stituted the several Boards of Examiners of the Medical Board during its sittings since the last Session of Parliament, which His Excellency has been pleased to order to be laid before them, in pursuance of their Address of Monday last, the number of persons examined and passed during the period mentioned therein be also stated, together with the place of education of such persons so examined and passed.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

SIR A. MACNAB⁸⁷ moved for leave to introduce a bill to⁸⁸ consolidate such of the provisions of the several acts relative to the Great Western Railway⁸⁹ Incorporation Act⁹⁰, as are now in force, and to amend the same.⁹¹ The hon. member said, that in addition to the consolidation, to which there could be no objection, this Bill proposed to give the Company the right of search⁹² to go on any man's land to search for⁹³ and take materials⁹⁴, stone, gravel and timber,⁹⁵ for the railway on all land where they might have entered, for the purpose of making their line.⁹⁶ The value of it to be decided by arbitration.⁹⁷

MR. MERRITT, without objecting to the first reading of the bill, called attention to the extraordinary powers which the amended act would confer on the Great Western Railway Company. The matter would require the most anxious consideration on the part of the House.⁹⁸

MR. NOTMAN said he had never seen any Act of Parliament which gave to any corporate body powers so dangerous, or of such magnitude, as those which it was now proposed to confer on the Great Western Railway Company. Under a clause to which the House has asked to agree, the Company were enabled to go upon any man's farm and search for stone or any other material, or cut down his most valuable timber, without his consent, and without any other compensation that that which may be awarded him by arbitrators. Is real estate of such trifling value that a measure of this kind is to be allowed to pass the Legislature without the slightest notice? He had uniformly supported every application for Bills by Railroad Companies, believing that they will tend largely to develop the resources of the Province; he had supported the Great Western Railway with this expectation, and he hoped to see it triumphantly completed; but he would not consent to vesting any Company with powers of this tremendous nature--powers which, when known, would excite a just measure of indignation amongst

those by whom they would be felt. However anxious those whom he represented might be to have the advantages of the railroad, they would never consent to pay the extraordinary price now demanded by the member for Hamilton.⁹⁹

SIR A. MACNAB said there was nothing arbitrary in the measure proposed, which merely conferred power to seek materials for the construction of the line, and to take them on paying a proper price.¹⁰⁰ The power was one that would be placed in every railway bill that would be passed during the present session¹⁰¹. He would, however, strike out the amendment, which he should move at another time¹⁰², till the house could have an opportunity of examining the bill¹⁰³, now only introducing the bill for consolidating the acts relative to the company.¹⁰⁴

MR. G. SHERWOOD said the power complained of by the member for Middlesex was vested in every turnpike trust in the country.¹⁰⁵

MR. H. SHERWOOD was understood to say that he saw nothing objectionable in the amendment.¹⁰⁶

The bill--without the amendment--was then read a first time.¹⁰⁷

(67)

Great Western
Railroad Acts
Consolidation
Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to consolidate such of the provisions of the several Acts relative to the Great Western Railroad Company as are now in force.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Toronto
School of
Medicine Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to incorporate the Toronto School of Medicine.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eighteenth instant.

Leave of
absence.

Ordered, That Mr. Flint have leave to absent himself from this House for ten days, on account of sickness in his family.

Montreal Har-
bour Tolls.

Mr. Seymour, from the Committee to consider the expediency of altering the Montreal Harbour Tolls, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to repeal so much of the Act 13 & 14 Vic. cap. 97, as relates to the rates of wharfage on firewood, bark or wood boats, and to provide that instead of the present rate of one penny half-penny per cord on firewood and bark, the rate of three pence currency per cord be substituted, and that the wharfage charge of sixpence currency, for each wood boat be struck out of the Tariff B, and that such boats be in future placed on the same footing as other boats.

The said Resolution, being read a second time, was agreed to.

Montreal Har-
bour Act
Amendment
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to alter and amend the Act 13 & 14 Vic. cap. 97, for improving and enlarging the Harbour of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Quebec Fire
Debentures
Act.

Mr. Fergusson, from the Committee to consider the expediency of amending the Act 9 Vic. cap. 62, enabling Her Majesty to direct the issue of Debentures to a limited amount, and for granting relief to the City of

Quebec, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to amend the Act 9 Vic. cap. 62, enabling Her Majesty to direct the issue of Debentures to a limited amount, and for granting relief to the City of Quebec.

The said Resolution, being read a second time, was agreed to.

Quebec Fire
Debentures
Act Amend-
ment Bill.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill to amend the Act 9 Vic. cap. 62, enabling Her Majesty to direct the issue of Debentures to a limited amount, and for granting relief to the City of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Merchants, &c.
Relief Bill.

The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;¹⁰⁸

MR. J. CAMERON (Cornwall) moved the second reading of the bill for the relief of merchants, traders and others. One of the objects of the bill was to allow all persons at present indebted to be allowed on the certificate of one-third of their creditors to call a general meeting of their creditors.¹⁰⁹

MR. H. SMITH, of Frontenac, opposed the Bill, as a revival of the principle of the old Bankruptcy laws, which were abandoned as obnoxious to the community.¹¹⁰ It was an act for the relief of all persons; a general white-washing act. It contained the same objectionable principle as the old bankrupt act; by providing that no one get his certificate unless with the concurrence of two-thirds of his creditors.¹¹¹ He thought the present Insolvent Law might be so extended as to be rendered applicable to the cases contemplated by the Bill.¹¹²

MR. SOL. GEN. DRUMMOND expressed his desire that any bankrupt law should extend to the whole country¹¹³ [and] insisted on the necessity of enacting no laws on commercial matters which are not applicable to both sections of the Province.¹¹⁴ The law now proposed was very much like that of several of the States of the Union, which were very much complained of.¹¹⁵ He felt bound to oppose this measure, as not capable of extension to Lower Canada. His belief was that at Montreal and in Lower Canada generally, the feeling amongst the mercantile men is decidedly adverse to any new enactment of a Bankruptcy Law¹¹⁶, and he was inclined to oppose them altogether, though he easily conceived that there must be much greater necessity for a bankruptcy law in a country, where the first-seizing creditor took all the goods, than in Lower Canada, where all divided in case of insolvency. If there were a majority of Upper Canadian Members in favour of the bill he would suggest the propriety of referring it to a Committee¹¹⁷, composed of an equal proportion of members from both sections.¹¹⁸

MR. RICHARDS maintained that no manifestation of opinion in favour of a revival of the Bankruptcy Laws had been made, simply because there has been no

occasion for them. But if a time of commercial difficulty were again to occur, the need of such laws would be quickly felt. He was in favour of the principle of this bill; his main objection to it being that it is not to extend to Lower Canada.¹¹⁹ [He also] objected to the proposed extension of the bill to other persons than merchants and traders.¹²⁰

MR. CHAUVEAU did not desire an assimilation of the laws of the two sections of the Province, for he thought them too different to admit of assimilation. He did not think there was any wish for a return to the bankrupt law in Lower Canada.¹²¹ [OR] He did not think there was a wish to return to the bankrupt law in Upper Canada.¹²²

MR. HOLMES, as a merchant resident in Montreal, objected to the measure,¹²³ the bankrupt law was a most fruitful source of dishonesty and fraud, and he should therefore oppose its introduction¹²⁴, although not unwilling to accede to the suggestion of the Solicitor-General for Canada East.¹²⁵

MR. MACDONALD, of Kingston, supported the measure, as loudly called for throughout Upper Canada.¹²⁶ This bill would do away with those fraudulent assignments that were now made from one end of Upper Canada to the others. Any person could assign his property making fraudulent preferences and excluding such creditors as he thinks proper. Under this bill these fraudulent preferences would cease, and the property be divided among all the creditors.¹²⁷

MR. MACKENZIE said this was a bankrupt law. In 1843 three hundred millions worth of property was discharged in the neighbouring republic under a bankrupt act. He approved of that part of the bill which proposed to free the debtor after he had given up all he had; but he¹²⁸ would vote against imprisonment for debt, and locking a man up from generation to generation¹²⁹, which he held to be wrong except in cases of fraud.¹³⁰

MR. SOL. GEN. MACDONALD thought this bill should not be allowed to go into operation till the country had had warning of it; as it would be unfair to have it affect contracts already made.¹³¹

The other speakers were MR. AT. GEN. LAFONTAINE, MR. H. SHERWOOD, ... MR. MEYERS, COL. PRINCE, MR. J. SMITH (of Durham,) MR. BADGLEY, MR. ROSS, and MR. MCCONNELL.¹³²

MR. ROSS, and COL. PRINCE spoke emphatically on the necessity of a general Bankruptcy Law, to meet the exigencies which continually arise in the Province.¹³³

MR. CAMERON replied, urging the House to agree to the second reading, with a view to its being referred to a select committee, whom he nominated.¹³⁴

(67)

The Honorable Mr. Cameron of Cornwall moved, seconded by Mr. Sherwood of Brockville, and the Question being proposed, That the Bill be now read a second time;

Mr. Cauchon moved in amendment to the Question, seconded by Mr. Scott of Two Mountains, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Attorney General Baldwin, Cartier, Cauchon, Chabot, Chauveau, Duchesnay, Dumas, Fournier, Guillet, Holmes, Hopkins, Jobin, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Lyon, Solicitor General Macdonald, Malloch, McConnell, Polette, Ross, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of

FRONTENAC, Stevenson, Taché, and Wilson.--(29.)

NAYS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cayley, Christie, Johnson, Macdonald of KINGSTON, McLean, Meyers, Prince, Richards, Robinson, Sherwood of BROCKVILLE, and Smith of DURHAM.--(16.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Orders
deferred.

Ordered, That the remaining Orders of the day be
postponed until to-morrow.

Then, on motion of Mr. Richards, seconded by the Honorable Mr. Price,
The House adjourned.

APPENDIX: 9 JUNE 1851.

[NOTICE OF MOTION RE: SELECT COMMITTEE ON COURT OF CHANCERY.]¹³⁵

MR. MACKENZIE gave notice of the introduction of two resolutions,--one for the appointment of a special committee¹³⁶, seven members¹³⁷ to draft and report bills for the immediate abolition of the Court of Chancery, and making provision for the abolition of present forms of action at common law, breaking down the barriers between law and conscience,--providing for an uniform mode of proceeding, and for the removal of every technicality which has not for its object the disposal of cases on their merits, and with the greatest possible speed¹³⁸.

[NOTICE OF MOTION RE: COURTS OF LAW BILL.]¹³⁹

MR. MACKENZIE gave notice of a bill to enable all persons to plead and argue for themselves and others¹⁴⁰ in all Her Majesty's Courts of Judicature within the Province, and to repeal and annul all Acts under the authority of which Queen's Council or the Law Officers of the Crown have precedence in their private practice in courts of law.¹⁴¹

[NOTICE OF ADDRESS RE: RETURNS FROM EDUCATIONAL INSTITUTIONS.]¹⁴²

MR. MACKENZIE also gave notice of a motion for a return relating to the¹⁴³ Board of Endowment of King's College, to the Upper Canada College, the Royal Grammar School, &c.¹⁴⁴

[NOTICE OF MOTION RE: TORONTO AND LAKE HURON RAILROAD BILL.]¹⁴⁵

MR. H. SHERWOOD gave notice of a bill to amend the Act incorporating the Company of the Toronto and Lake Huron Railroad via Guelph.¹⁴⁶

[NOTICE OF MOTION RE: BRITISH NORTH AMERICAN INSURANCE COMPANY ACT.]¹⁴⁷

MR. H. SHERWOOD gave notice of a bill to extend the powers of the British America Insurance Company, and to reduce the number of Directors.¹⁴⁸

[NOTICE OF MOTION RE: ELECTIVE FRANCHISE BILL.]¹⁴⁹

MR. MORRISON gave notice of a motion to bring in a bill to extend the Elective Franchise.¹⁵⁰

[QUESTION AND ANSWER RE: DEPUTY ADJUTANT GENERAL.]¹⁵¹

MR. MCFARLAND enquired of the Ministry, whether it is their intention to leave the office connected with the Deputy Adjutant General's Department (Canada West) in Upper Canada? Also, whether it is their intention to leave, in Upper Canada, an office connected with the Crown Lands Department?¹⁵²

MR. AT. GEN. BALDWIN stated, ... that it is the intention of the government to leave the office connected with the deputy adjutant general's office in Upper Canada¹⁵³ [as it] would involve the appointment of a great many additional officers, and¹⁵⁴ that it has not been determined whether an office connected with the crown land department shall be left in Upper Canada.¹⁵⁵

[POSTPONED DISCUSSION RE: ADDRESS CONCERNING OCEAN STEAMERS.]¹⁵⁶

MR. MERRITT presented several resolutions, and stated that he would move the

House into committee on an early day to consider these resolutions, whereon to found an address to Her Majesty¹⁵⁷ for aid to [a] line of Ocean Steamers¹⁵⁸ between Liverpool and Quebec. He said before reading the resolutions, he could say that during the last fall, from the very extraordinary turn trade had taken he was sent down to examine into the several ports of the Gulf of St. Lawrence with a view to ascertain the rates of Insurance and to find out why it was that the ocean rates kept up so high.¹⁵⁹ And ... the present motion was the result of that investigation, which had been materially aided by the hon. member for Montmorency, who had also published several essays on the subject in his journal.¹⁶⁰ From the several discussions he had, he came to the conclusion that it was necessary to obtain an increase of material between Quebec and Liverpool, in order to divert the trade from Liverpool to Quebec, instead of to New York.¹⁶¹

MR. INSP. GEN. HINCKS objected to the House going into committee upon the resolutions, because it would commit them to the principle of them, without knowing what they contained. It would be better to postpone the measure.¹⁶²

MR. CHRISTIE explained that the hon. member for Lincoln did not desire the House to go into committee at present, but simply that the resolutions be presented.¹⁶³

[WITHDRAWN MOTION RE: REPEAL OF PRIMOGENITURE.]¹⁶⁴

MR. MACDONALD of Kingston, [moved] for a return of all Petitions received by the Government on the subject of a repeal of Primogeniture.¹⁶⁵

MR. AT. GEN. BALDWIN said there were no petitions¹⁶⁶.

The motion was withdrawn.¹⁶⁷

FOOTNOTES: 9 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 10 June 1851, MONTREAL TRANSCRIPT, 10 June 1851, MORNING CHRONICLE, 11 June 1851, LA MINERVE, 12 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, MONTREAL GAZETTE, 13 June 1851; PILOT, 14 June 1851, and MORNING CHRONICLE, 16 June 1851. The debate was also reported by GLOBE, 10 June 1851.
2. GLOBE, 10 June 1851.
3. BRITISH COLONIST, 10 June 1851.
4. GLOBE, 10 June 1851.
5. BRITISH COLONIST, 10 June 1851.
6. BATHURST COURIER (Supplement), 13 June 1851.
7. GLOBE, 10 June 1851.
8. BATHURST COURIER (Supplement), 13 June 1851.
9. GLOBE, 10 June 1851.
10. BATHURST COURIER (Supplement), 13 June 1851.
11. BRITISH COLONIST, 10 June 1851.
12. GLOBE, 10 June 1851.
13. BRITISH COLONIST, 10 June 1851.
14. GLOBE, 10 June 1851.
15. BRITISH COLONIST, 10 June 1851.
16. GLOBE, 10 June 1851.
17. BRITISH COLONIST, 10 June 1851.
18. BATHURST COURIER (Supplement), 13 June 1851.
19. GLOBE, 10 June 1851.
20. BATHURST COURIER (Supplement), 13 June 1851.
21. BRITISH COLONIST, 10 June 1851.
22. GLOBE, 10 June 1851.
23. BRITISH COLONIST, 10 June 1851.
24. GLOBE, 10 June 1851.
25. BATHURST COURIER (Supplement), 13 June 1851.
26. GLOBE, 10 June 1851.
27. BRITISH COLONIST, 10 June 1851.
28. GLOBE, 10 June 1851.
29. BRITISH COLONIST, 10 June 1851.
30. BATHURST COURIER (Supplement), 13 June 1851.
31. GLOBE, 10 June 1851.
32. BRITISH COLONIST, 10 June 1851.
33. GLOBE, 10 June 1851.
34. IBID.
35. BATHURST COURIER (Supplement), 13 June 1851.
36. BRITISH COLONIST, 10 June 1851.
37. GLOBE, 10 June 1851.
38. BRITISH COLONIST, 10 June 1851.
39. GLOBE, 10 June 1851.
40. BRITISH COLONIST, 10 June 1851.
41. GLOBE, 10 June 1851.
42. IBID.
43. BATHURST COURIER (Supplement), 13 June 1851.
44. GLOBE, 10 June 1851.
45. IBID.
46. BATHURST COURIER (Supplement), 13 June 1851.

47. GLOBE, 10 June 1851.
48. IBID.
49. IBID.
50. BRITISH COLONIST, 10 June 1851.
51. GLOBE, 10 June 1851.
52. IBID.
53. BRITISH COLONIST, 10 June 1851.
54. IBID.
55. GLOBE, 10 June 1851.
56. BRITISH COLONIST, 10 June 1851.
57. GLOBE, 10 June 1851.
58. BRITISH COLONIST, 10 June 1851.
59. GLOBE, 10 June 1851.
60. BRITISH COLONIST, 10 June 1851.
61. GLOBE, 10 June 1851.
62. IBID.
63. IBID.
64. IBID.
65. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 11 June 1851, MORNING CHRONICLE, 11 June 1851, BRITISH WHIG, 11 June 1851, MONTREAL TRANSCRIPT, 12 June 1851, LA MINERVE, 12 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 10 June 1851, BRITISH WHIG, 13 June 1851, NORTH AMERICAN, 13 June 1851, and PILOT, 14 June 1851. The debate was also reported by GLOBE, 10 June 1851.
66. GLOBE, 10 June 1851.
67. BRITISH COLONIST, 10 June 1851.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, BRITISH WHIG, 13 June 1851, PILOT, 14 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The debate was also reported by GLOBE, 10 June 1851.
88. BATHURST COURIER (Supplement), 13 June 1851.
89. GLOBE, 10 June 1851.
90. BRITISH COLONIST, 10 June 1851.

91. GLOBE, 10 June 1851.
92. BRITISH COLONIST, 10 June 1851.
93. BATHURST COURIER (Supplement), 13 June 1851.
94. BRITISH COLONIST, 10 June 1851.
95. BATHURST COURIER (Supplement), 13 June 1851.
96. BRITISH COLONIST, 10 June 1851.
97. BATHURST COURIER (Supplement), 13 June 1851.
98. GLOBE, 10 June 1851.
99. IBID.
100. IBID.
101. BATHURST COURIER (Supplement), 13 June 1851.
102. GLOBE, 10 June 1851.
103. BATHURST COURIER (Supplement), 13 June 1851.
104. GLOBE, 10 June 1851.
105. BATHURST COURIER (Supplement), 13 June 1851.
106. GLOBE, 10 June 1851.
107. IBID.
108. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, BRITISH WHIG, 13 June 1851, PILOT, 14 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The following papers reported the debate in partially identical accounts: MONTREAL GAZETTE, 11 June 1851, MORNING CHRONICLE, 11 June 1851, BRITISH WHIG, 11 June 1851, MONTREAL TRANSCRIPT, 12 June 1851, PILOT, 12 June 1851, and LA MINERVE, 12 June 1851. The debate was also reported by GLOBE, 10 June 1851.
109. BATHURST COURIER (Supplement), 13 June 1851.
110. GLOBE, 10 June 1851.
111. BATHURST COURIER (Supplement), 13 June 1851.
112. BRITISH COLONIST, 10 June 1851.
113. IBID.
114. GLOBE, 10 June 1851.
115. BRITISH COLONIST, 10 June 1851.
116. GLOBE, 10 June 1851.
117. BRITISH COLONIST, 10 June 1851.
118. GLOBE, 10 June 1851.
119. IBID.
120. BATHURST COURIER (Supplement), 13 June 1851.
121. BRITISH COLONIST, 10 June 1851.
122. MONTREAL GAZETTE, 11 June 1851.
123. GLOBE, 10 June 1851.
124. BRITISH COLONIST, 10 June 1851.
125. GLOBE, 10 June 1851.
126. IBID.
127. BATHURST COURIER (Supplement), 13 June 1851.
128. IBID.
129. BRITISH COLONIST, 10 June 1851.
130. BATHURST COURIER (Supplement), 13 June 1851.
131. IBID.
132. GLOBE, 10 June 1851.
133. IBID.
134. IBID.
135. The following papers reported this notice in identical accounts: BRITISH COLONIST, 10 June 1851, MONTREAL GAZETTE, 10 June 1851, MONTREAL TRANSCRIPT, 10 June 1851, MORNING CHRONICLE, 13 June 1851, PILOT, 14 June 1851, LA

- MINERVE, 12 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The debate was also reported by: GLOBE, 10 June 1851; and NORTH AMERICAN, 13 June 1851.
136. GLOBE, 10 June 1851.
137. MONTREAL GAZETTE, 10 June 1851.
138. GLOBE, 10 June 1851.
139. The following papers reported this notice in identical accounts: BRITISH COLONIST, 10 June 1851, MONTREAL GAZETTE, 10 June 1851, MONTREAL TRANSCRIPT, 10 June 1851, MORNING CHRONICLE, 11 June 1851, PILOT, 14 June 1851, LA MINERVE, 12 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The debate was also reported by: GLOBE, 10 June 1851; and NORTH AMERICAN, 13 June 1851.
140. BATHURST COURIER (Supplement), 13 June 1851.
141. GLOBE, 10 June 1851.
142. The following papers reported this notice in identical accounts: BRITISH COLONIST, 10 June 1851, and PILOT, 14 June 1851. The debate was also reported by: GLOBE, 10 June 1851; and NORTH AMERICAN, 13 June 1851.
143. NORTH AMERICAN, 13 June 1851.
144. BRITISH COLONIST, 10 June 1851.
145. The following papers reported this notice in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, and PILOT, 14 June 1851. The debate was also reported by GLOBE, 10 June 1851.
146. GLOBE, 10 June 1851.
147. The following papers reported this notice in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, and PILOT, 14 June 1851. The debate was also reported by GLOBE, 10 June 1851.
148. GLOBE, 10 June 1851.
149. This notice of motion was reported by: GLOBE, 10 June 1851; and NORTH AMERICAN, 13 June 1851.
150. GLOBE, 10 June 1851.
151. The following papers reported the exchange on this question in identical accounts: BRITISH COLONIST, 10 June 1851, MONTREAL GAZETTE, 11 June 1851, MORNING CHRONICLE, 11 June 1851, MONTREAL TRANSCRIPT, 12 June 1851, PILOT, 12, 14 June 1851, NORTH AMERICAN, 13 June 1851, BRITISH WHIG, 13 June 1851, LA MINERVE, 12 June 1851; EXAMINER, 11 June 1851, and BATHURST COURIER (Supplement), 13 June 1851. The exchange was also reported by GLOBE, 10 June 1851.
152. GLOBE, 10 June 1851.
153. BATHURST COURIER (Supplement), 13 June 1851.
154. GLOBE, 10 June 1851.
155. BATHURST COURIER (Supplement), 13 June 1851.
156. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, PILOT, 14 June 1851; MONTREAL GAZETTE, 11 June 1851, MORNING CHRONICLE, 11 June 1851, BRITISH WHIG, 11 June 1851, MONTREAL TRANSCRIPT, 12 June 1851, PILOT, 12 June 1851, and LA MINERVE, 12 June 1851. The debate was also reported by GLOBE, 10 June 1851.
157. GLOBE, 10 June 1851.
158. BRITISH COLONIST, 10 June 1851.
159. GLOBE, 10 June 1851.
160. BRITISH COLONIST, 10 June 1851.
161. GLOBE, 10 June 1851.
162. IBID.

163. IBID.
164. The following papers reported the debate on this motion in identical accounts: BRITISH COLONIST, 10 June 1851, NORTH AMERICAN, 13 June 1851, BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, and PILOT, 14 June 1851.
165. BRITISH COLONIST, 10 June 1851.
166. IBID.
167. IBID.

TUESDAY, 10 JUNE 1851.

(67)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Scott of Two Mountains,--The Petition of
P. Filiatrault and others, of the Parish of Ste. Thérèse.

By Mr. Polette,--The Petition of the Reverend E. Chabot and others, of the
Parishes of Bécancour, Ste. Gertrude, and other places in the District of Three
Rivers; the Petition of U. Béliveau, Esquire, and others, of the Townships of
Arthabaska, Chester, and Warwick; the Petition of B. Lasalle and others, of the
Town of Three Rivers; the Petition of F. Royer and others, of the Town of Three
Rivers; the Petition of the Bar of Lower Canada, Section of the District of

(68)

Three Rivers; the Petition of the Reverend S.S. Wood, A.M., and others, on behalf
of the Three Rivers Academy; the Petition of James Fearnes and others, of the
Town of Three Rivers; and the Petition of J.E. Dumoulin and V. Guillet, Esquires,
President, and Secretary, on behalf of the Board of Notaries of Three Rivers.

By Mr. Lemieux,--The Petition of the Reverend F. Boissonault and others, of
the Parish of St. Jean Port Joli, County of L'Islet.

By Mr. Fournier,--The Petition of the Municipal Council of the Municipality
Number One of the County of Rimouski.

By Mr. Taché,--The Petition of the Reverend G. Nadeau and others, of the
Parish of Ste. Luce, County of Rimouski; and the Petition of O. Grégoire, Es-
quire, and others, of the Parish of St. Nicolas, County of Rimouski.

By Mr. Johnson,--The Petition of the Municipal Council of the United Coun-
ties of Prescott and Russell.

Public
Deposits.

The Honorable Mr. Hincks, one of Her Majesty's Ex-
ecutive Council, presented, pursuant to an Address to
His Excellency the Governor General, the following

Return:--

Return to an Address from the Legislative Assembly to His Excellency the
Governor General, dated the 2nd instant, praying that His Excellency would be
pleased to cause to be laid before the House, a Statement shewing the amount of
Cash at the credit of the Government of Canada, or of the Receiver General there-
of acting on its behalf, in the various Banking or other Institutions holding
public deposits in and out of Canada, including the Agents or Brokers who trans-
act the business of the Province in Europe; and whether interest is payable to
Government on any of the public deposits, and if so, in what cases, and under
what rate or arrangement.

By Command.

J. LESLIE,
Secretary.

Secretary's Office,
Toronto, 10th June, 1851.

[See Statement on the following page.]

Rectories.

The Honorable Mr. Price, one of Her Majesty's Ex-
ecutive Council, presented, pursuant to an Address to
His Excellency the Governor General,--Return to an Address from the Legislative
Assembly to His Excellency the Governor General, dated the 30th ultimo, praying
that His Excellency would be pleased to cause to be laid before the House, a
List of any Rectories that may have been established during the last sixteen
years, and copies of the respective authorities required by the 31st Geo. 3,
cap. 31, sec. 38, under which they may have been established; also, a List of

A STATEMENT shewing the Amount of Cash at the Credit of the Receiver General of the Province of Canada, in the various Banking and other Institutions holding Public Deposits in and out of Canada, on 31st May, 1851, including the Agents or Brokers who transact the business of the Province; and shewing on what portion thereof interest is payable, and at what rate.

Names of Banking and other Institutions.	In England, not bearing Interest.		In Canada, not bearing Interest.		In Canada, bearing In- terest at 3 and 4 p. cent.		TOTAL.
	£	s. d.	£	s. d.	£	s. d.	£
With Messrs. Glyn, Mills & Co., London.	24478	14 10					
With Messrs. Baring Brothers & Co., do.	6567	14 6					
With the Bank of England, do.	243	6 0					
With Messrs. Bosanquet & Co., do.	118	16 8					
							31408 12 0
N.B.--The above parties act as Agents for the Province.							
Deposits in Quebec Bank			1927	12 9			
do Bank of Montreal			1011	18 11			
do La Banque de Peuple			9944	10 4			
do Commercial Bank			3557	2 0			
do Gore Bank			1392	9 0			
do Bank of Upper Canada.			199943	1 8			
The following bear Interest at 3 per cent., viz:--							
Deposit in Bank of Montreal					19666	13 4	
do La Banque du Peuple.					39083	6 8	
do Commercial Bank.					85166	13 4	
do Bank of Upper Canada					123333	6 8	
Total at 3 per cent.					267250	0 0	
The following bears Interest at 4 per cent., viz:--							
Deposit in The Montreal City and District Savings Bank					11000	0 0	
			217776	14 8	278250	0 0	496026 14 8
							527435 6 8

the Rectors who have heretofore been presented to Rectories, and a List of any deaths, retirements, or removals of any such Incumbents, and of the time and authorities for the presentation of any successors to those Incumbents, together with their names.

Appendix (O.)

For the said Return, see Appendix (O.)

Quebec Lower
Town Market
Place.

Also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 25th July, 1850, praying for copies of all Correspondence between the Executive Government and the Trinity House, or the Harbour Master at Quebec, or the Corporation of that City, on the subject of the enlargement of the Quebec Lower Town Market Place.

Appendix (P.)

For the said Return, see Appendix (P.)

(69)

Alexander
Morrison.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 2nd instant, praying that His Excellency would be pleased to cause to be laid before the House, copies of all Correspondence which has taken place between the Government and Alexander Morrison, or any one on his behalf, since the last Session, referring in any way to his claim for compensation for loss sustained by him by means of the issuing of two Patent Deeds for the same Lot in the Township of Niagara, and also of all other documents which have come into the possession of the Government since the same period, bearing upon or relating in any manner to the same case.

Appendix (Q.)

For the said Return, see Appendix (Q.)

Petitions
referred.

Ordered, That the Petition of James Cotton, of the City of Toronto, Esquire, and the Petition of Robert Cotton, of the Town of Port Credit, County of York, Esquire, be referred to the Standing Committee on Standing Orders.

Official
Salaries
Seizure Bill.

Ordered, That Mr. Scott of Two Mountains have leave to bring in a Bill to enable the Judgment Creditors of Public Officers to seize a portion of the Salaries and Emoluments of such Officers in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Registry Ordinance (L.C.)
Amendment Bill.

Ordered, That Mr. Lacoste have leave to bring in a Bill to amend the Registry Ordinance of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Seigniorial
Tenure.

Ordered, That the Honorable Mr. Chabot be added to the Select Committee on Seigniorial Tenure in Lower Canada, in the place of Mr. Davignon now absent.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery;--

Bill to amend
the Laws relating
to Interest
of Money.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to amend and simplify the Laws relating to the Interest of Money," to which they desire the concurrence of this House.

And then he withdrew.

Bill to amend
the Laws rela-
ting to Interest
of Money.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend and simplify the Laws relating to the Interest of Money," was read for the first time.

On motion of Mr. Richards, seconded by Mr. Holmes,

Ordered, That the Bill be read a second time on Thursday next.

Toronto and
Lake Huron
Railroad Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to revive and continue the Act of Incorporation of the Toronto and Lake Huron Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

British Ameri-
can Assurance
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors

of the said Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Canada
Guarantee
Company Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the Canada Guarantee Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Montreal
Diocese Tem-
poralities Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and

for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Primogeniture
Abolition Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to abolish the right of Primogeniture in the succession to Real Estate held in fee simple or for the life of another in Upper Canada, and to provide for the division thereof amongst such of the last proprietor as may best accord with the relative claims of such parties in the division thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Officers of
Justice
Salaries Act
Amendment
Bill, (L.C.).

The Order of the day for the House in Committee on the Bill to amend the Act substituting Salaries for Fees in certain cases in Lower Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. Hall took the Chair of the Committee; and after some time spent therein,
Mr. Speaker resumed the Chair;

And Mr. Hall reported, That the Committee had gone through the Bill, and made amendment thereunto.

Ordered, That the Report be received to-morrow.

Montreal
Trinity House
Amendment
Bill.

The Order of the day for the House in Committee on the Bill to amend the Montreal Trinity House Act, being read;

The House accordingly resolved itself into the said Committee.

Mr. Fortier took the Chair of the Committee; and after some time spent therein,
Mr. Speaker resumed the Chair;

And Mr. Fortier reported, That the Committee had gone through the Bill, and directed him to report the same without amendment.

Ordered, That the Bill be engrossed, and read the third time on Tuesday next.

Court of
Queen's Bench
Act Amend-
ment Bill.

The Order of the day for the House in Committee on the Bill to amend the Act establishing the Court of Queen's Bench for Lower Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. Malloch took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

(70)

And Mr. Malloch reported, That the Committee had gone through the Bill, and directed him to report the same without amendment.

Ordered, That the Bill be engrossed, and read the third time on Tuesday next.

Election
Petitions
Bill.

The Order of the day for the second reading of the Bill to repeal the several Acts of the Parliaments of Lower and Upper Canada now in force for the trial of Controverted Parliamentary Elections in the two sections of the Province respectively, and to provide by one General Act for the trial of all Parliamentary Election Petitions, being read;¹

MR. AT. GEN. BALDWIN then moved the second reading of the Act for the Consolidation of the Law of Controverted Elections. He explained that in Upper Canada elections the Grenville Act, but without the late English improvements which had been made in England, was the law of controverted elections; while in Lower Canada, instead of being tried by a committee, the question was tried by the whole House. From this difference of practice, it became evident that an uniform and consolidated law was necessary. The basis of the present bill was the Grenville Act, as improved by the late legislation of England in 1848², introduced by the late Sir R. Peel³. The provisions he had added were especially intended to meet the differences of our condition from that of England, especially by adding some forms which he thought would be found useful for persons not much acquainted with such subjects. One of the chief changes made in the new Grenville Act was, to throw upon certain committees a responsibility of selecting the election tribunal, instead of that being left almost to chance as heretofore. The outline of the measure was this:--The Speaker selected six persons, against whom there were no petitions, who formed, if they were not objected to, what was called the panel of chairmen, and the rest of the House was afterwards divided into panels of committees. Then these latter panels were taken in rotation, and the chairman was named

from the panel of chairmen, either by the unanimous vote of the general committee, or in default of this, by lot. After mentioning some less important details, the hon. member concluded by expressing an opinion, that after all improvements of the Grenville Committee, a far better plan of deciding these questions would be by some tribunal extraneous to the House, and therefore uninfluenced by party considerations.⁴

MR. H. BOULTON while voting for the second reading of the bill, did not approve of the form of the Grenville Committee, even as amended by the late legislation in England⁵ [and he] objected to a system which, however successful in England, is not adapted to the circumstances of the Province, where partizanship rules everything. In all probability, the Committees will be party rather than judicial tribunals, representing the views of those who may happen to have a majority in the House. The hon. member proceeded to point out details which were in his opinion susceptible of [sic] amendment.⁶ He thought the great difficulty was, that the number of the committee was so great that no one felt his responsibility to do justice. He thought the best number would probably be four, with the provision that a majority should be required to reverse anything existing--for example, if the question were the right to vote of some man who had voted, if the four were divided, the vote would be sustained, if there were three for reversing, it would be reversed. This would give satisfaction, because if three men were against one, the probability would be that the three would be right. These four might be taken from one of the panels spoken of; each party striking off the names, as for a special jury, till the number was reduced to four.⁷

MR. AT. GEN. BALDWIN would postpone his bill, and in the meantime would be glad to have the suggestions of his hon. friend in print⁸, with a view to their consideration in committee.⁹ He wished to make it as perfect as possible.¹⁰

(70)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday the twentieth instant.

Penitentiary
Management
Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;11

An hon. member suggested the reference of the bill to a special committee, as the subject involved was one of deep interest to humanity.¹²

MR. H. SHERWOOD expressed his approval of the substance of the bill, which contains many valuable provisions.¹³

MR. COM. CR. LANDS PRICE said some gentlemen were absent who take much interest in the measure, and if the House desired, he would postpone the second reading until Friday.¹⁴

After some conversation, the postponement was agreed to.¹⁵

(70)

Ordered, That the Bill be read a second time on Friday next.

Bill relating to
Gaols and
Houses of
Correction.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of Correction for Juvenile offenders, being read;

Ordered, That the Bill be read a second time on Friday next.

Territorial
Divisions Bill,
(U.C.).

*The Order of the day for the second reading of the
 Bill to make certain alterations in the Territorial
 Divisions of Upper Canada, being read;*¹⁶

MR. INSP. GEN. HINCKS rose to move the second reading of the ministerial bill to alter certain Territorial Divisions in Upper Canada.¹⁷

MR. H. BOULTON objected to proceeding with the second reading till the returns showing the size and population of the proposed new counties¹⁸ for which he had moved¹⁹ should be printed.²⁰

MR. INSP. GEN. HINCKS thought there was reason to complain of the delay that had taken place in printing that return;²¹ as he apprehended no objections to the principle of the bill, which will be considered in detail when the House goes into Committee.²² Unless the hon. gentleman intended to oppose the principle of the bill and to affirm that there was no necessity for a new division, there could be no objection to the second reading.²³ Many such bills had been brought in by individual members; but it was thought that it was a measure that ought to have the sanction of government.²⁴ A bill in many respects similar to the present was introduced by himself last session, but was lost in consequence of unavoidable delay on the part of the select committee to whom it was referred²⁵ [which was] endeavouring to obtain the views of interested parties.²⁶ The returns ordered on the action of the hon. member for Norfolk ought to have been ready before now, and he (Mr. H.) called the attention of the Committee on Printing to the discreditable delay that has taken place with regard to the printing of the document in question. The proposed alterations in the existing counties east of York are very slight indeed.²⁷ Peterborough, however, which was a very large County, was to be divided into two counties, which, in the meantime would remain united Counties, till they thought fit to separate, and even then would continue just as at present, for electoral purposes, till there should be an increase in the representation. The County of York with²⁸ nearly 90,000 inhabitants, has been kept in its present divisions, against the will of the majority of the people in its outer portions²⁹, for a very long time.³⁰ He knew it has been supposed that ministers are opposed to the contemplated division of York, but the conflicting opinions that have prevailed formed obstacles which account for the delay on the part of the Government. This portion of the subject is still involved in a good deal of difficulty, and it is probable that some slight alterations will be agreed to when the House goes into Committee, although he believed that the bill as a whole is highly satisfactory to a majority of the people. No objection can exist to the separation of the eastern part of the county, which has 25,000 inhabitants, and upwards of half a million acres of land; and to its being set apart as a separate county, with distinct judicial and municipal powers. Wentworth, Halton, and Waterloo will be divided into six counties; but Wentworth and Halton--having 43,000 inhabitants and half a million acres of land--will remain³¹ united counties as at present till they chose to separate.³² The county of Grey which it is proposed to establish is now, with a sparse population, but with a very large area; it is filling up rapidly, and its ... inhabitants experience inconvenience in consequence of their distance from the county town. Even now, Grey has a larger population than Norfolk, or Simcoe, or Huron had, when formed into counties. The necessity of a division of Middlesex with more than 50,000 inhabitants has long been felt in that country, but unfortunately there exists in it a strong conflict of interest and feeling between the northern and southern parts³³ as to the correct mode of separation for that county, for the old County did not desire to have any change, though the present condition was very hard upon the newer part, but he thought gentlemen would find the proposed line of division upon the whole the best that could be hit upon.³⁴ With these remarks, the hon. gentleman moved the second reading, with a view to the

reference of the bill to a committee at an early day.³⁵

MR. ROBINSON asked, whether there is any truth in the report which prevails out of doors, to the effect that the Home District is to be divided into three counties instead of four.³⁶

MR. INSP. GEN. HINCKS explained that strong representations had been made to the Government by the people of some townships in the rear of the eastern portion of the county, in favour of being allowed to remain attached to that portion, and it had been proposed that a tier of townships on the east from Lake Ontario to the rear of the county should be formed into one county; that the townships east and west of Yonge street should in like manner form one county, with two members; and the western townships in one county.³⁷

MR. H. BOULTON disputed the accuracy of some of the hon. Inspector-General's statement and again urged delay before proceeding with the measure, in order that members might obtain information not yet in their possession.³⁸

MR. COM. CR. LANDS PRICE maintained the justice and expediency of the divisions contemplated by this bill.³⁹

MR. NOTMAN read a resolution agreed to last month, by the Middlesex Council, to show that the feeling of the county is in favour of carrying out the divisions by a line running from south to north, instead of from east to west, as is proposed by this bill; and he gave notice that in committee he should move an amendment in accordance with this resolution, which is sustained by various petitions⁴⁰ he had presented⁴¹ already before the House. He was aware that the decision of the District Council is impugned in the most marked manner, by gentlemen for whom he entertained the highest respect; but he felt bound to abide by the declared will of a body whom he regarded as representing the actual wishes of a large majority of the inhabitants of the county. While he should oppose the bill so far as the division of Middlesex is concerned, he should give to the bill generally his cordial support.⁴²

MR. ROBINSON, admitted that in populous counties, a feeling in favour of new divisions exist, but he objected to such sweeping changes as are proposed in this bill.⁴³ The bill ... [was] calculated by the multiplication of counties to increase expense.⁴⁴

MR. W. BOULTON opposed the bill as wholly unnecessary. Many of the proposed divisions emanate from the brains of a few individuals, who have some pecuniary interests to advance at the change. The bill is opposed to the wishes of the people generally, and cannot be made law without the aid of the Lower Canadian members. A majority of members for Upper Canada are decidedly against it.⁴⁵

COL. PRINCE said it was pretty well known that he was not particularly affectionate towards the present Ministry, but he would tell the House that in point of fact the people in the Western District are in favor of the bill. There are certain things that may be discussed in committee, but as the bill undoubtedly must pass, he did not think there could be any objection to its being read a second time.--When it went into committee, there would be a very long debate upon it, therefore, without catching upon the merits of the bill, he would vote for its second reading, as he thought it a measure very advantageous to the country, for that the country must be divided into smaller portions there could not be the slightest possible doubt.⁴⁶

MR. H. SMITH ... did not see why the new counties should not be allowed to pay for their convenience if they pleased. He⁴⁷ considered that the bill was much less objectionable than the bill introduced last session, for he thought

that the whole County of Waterloo were here then to object to it. In looking over the details of the bill, he found that it was proposed to add Amherst Isle to the County of Frontenac. He had tried to find out what had led to the strange idea, and he had been told that the Ministry are so desirous to have him returned next election, that they have given Frontenac the addition of this large conservative population in Amherst Isle to secure his election. He could say that the people of Frontenac have no more desire that Amherst Isle be added to Frontenac than they have that Oswego should be added to them. There certainly was some mistake. He contended that that union was for political purpose entirely, and not with a view to the advantages of the county. It had been made with the view of damaging his influence with his constituents, and he thought it would cost the hon. Inspector General some trouble to explain satisfactorily to the House the reasons for such a change.⁴⁸

MR. AT. GEN. BALDWIN replied to some statements made by Mr. W. Boulton in reference to the Jury Bill, and stated that he had every reason to believe that the Bill was approved of. In fact both Judges and Juries, as well as a large portion of the community, have expressed themselves as well satisfied with it.⁴⁹

MR. ROSS replied to the remarks Mr. W. Boulton made as to Lower Canada members carrying ministerial measures by moving in a man at the bidding of the Ministers.⁵⁰

MR. INSP. GEN. HINCKS made a general reply to the opposition made to the second reading of the Bill. He said Mr. Notman had completely changed his mind with respect to the county of Middlesex, as he had himself brought in a Bill for the proposed division. The fact was, the Registrars and Sheriffs were opposed to all divisions as thereby their fees would be reduced.⁵¹ In reply to the hon. member for Toronto, he contended there was no argument on the score of increased expense. The people understood this matter perfectly well, and were willing to pay for increased accommodation. The hon. member for Frontenac had spoken of one of the details of the bill, and had unjustly charged the Government with political motives with respect to Amherst Island. In doing so that gentleman had said that the people of Amherst Island did all their business at Bath, yet the very County Council of Lennox and Addington formerly opposed the setting off of Lennox and Addington, on the ground that the people of Amherst Island, who did all their business at Kingston, would be forced to Napanee, (so he was informed, at least,) if those, at present united parts, were separated from Kingston. However, that was only a matter of detail, and though Frontenac had a larger territory than Lennox and Addington, it was to a great extent barren, and was much less populous.⁵²

MR. SEYMOUR denied what the hon. Inspector General had said about the County Council, and said he supposed he had heard it from a great friend of the Ministry. If so that person need not offer himself for Lennox and Addington.⁵³

(70)

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Chabot, Christie, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Johnson, Lacoste, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, McFarland, Merritt, Mongenais, Morrison, Notman, Polette, Price, Prince, Ross, Sanborn, Sauvageau,

Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, and Taché.--(42.)

NAYS.

Messieurs Boulton of TORONTO, Cayley, Dickson, Sir Allan N. MacNab, Malloch, McLean, Meyers, Robinson, Seymour, and Stevenson.--(10.)

So it was resolved in the Affirmative.

MR. INSP. GEN. HINCKS moved that the Bill be referred to a Committee of the whole on Friday next.⁵⁴

MR. H. BOULTON complained of hurrying the bill.⁵⁵

MR. INSP. GEN. HINCKS had not any desire to press the bill. If hon. gentlemen were not then prepared, it might be postponed until Tuesday.⁵⁶

Tuesday was finally agreed upon for its committal.⁵⁷

(70)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Bill relating to
Public Monies
and Pensions.

*The Order of the day for the second reading of the Bill to prohibit the expenditure of Public Monies for purposes not previously authorized by Law, and to limit the granting of Pensions, being read;*⁵⁸

MR. H. BOULTON moved,--That the Bill be now read a second time. He said that various members had stated that there was no need for such a measure as this. That the present law was sufficient. But he begged leave to say, that there is no law of the kind prohibiting the expenditure of public money without the sanction of the Parliament. The history of the Parliament both at home and here showed that great fault had often been found with public men for taking upon themselves to expend the public money without the sanction of Parliament. Looking no further back than to the period of Lord Dalhousie's administration, when the Legislature refused to vote the ordinary salaries for the officials of Government, his Lordship took upon himself, in the exigency, to take out of the public chest a sum necessary to meet the case. A great complaint was made, here as well as in Britain, about that, and an animated debate took place in the British Parliament upon the subject. There was no necessity for public money being expended by the Government at their discretion. He would not trust any public man, whether Whig, Tory or Radical.⁵⁹ It was a wise maxim for the people to put no more confidence than was absolutely necessary in⁶⁰ any body not necessarily responsible, nor in any public man,⁶¹ especially as related to giving them unchecked power over the public money⁶² for public men are prone to abuse power. We have responsible government, but it did not follow that all kind of authority should be placed in their power. He would speak of things that had actually taken place, in order to illustrate the propriety of adopting a measure like the one under consideration.⁶³ In many countries, public men had made an improper use of the public monies.⁶⁴ He referred to the Report of the Hon. member for Gaspé, in 1843, where £40,000 had been stated to have been expended without the sanction of the Legislature, and then referred to a sum--nearly £6,000, expended on Monklands for repairs when the Government went to Lower Canada, and held that this afforded a strong reason for not leaving uncontrolled power in the hands of the ministry. This was an instance of censurable extravagance, for the property rented at £150 a-year, and might have been bought for £3000; yet, while this was the case, £6,000 was expended for repairs on a lease of from three to five years. When the Government went to Kingston almost a similar case occurred. Under our system, when the money was spent, the only remedy was a vote of want of

confidence. But what would be the use of that when the money was spent and gone? It was to prevent the possibility of such an occurrence that he desired to have the bill passed. We had no Court of Impeachment, before which we could bring a corrupt ministry, and bring them to punishment. To provide a remedy for this he had placed a clause at the end of the bill to impose a penalty upon all who might have anything to do with the corruption of a minister; and he would take the matter out of the hands of Parliament, and bring it into the Courts of law. He read from the public accounts the items, £1000 for the Mounted Police; £1115 for Col. Wetheral and W.R. McCord. There were sums that would hardly have been appended if the matter had been, in the first place referred for the sanction of the legislature. This Mr. McCord was all the while a police magistrate for Quebec, at a salary of £500. But this salary was never in any way abated during the time he was earning that extra money in Montreal. He made use of the same kind of argument with regard to an item of £700 for horses for the same police force. They found nothing like that on the American side of the water. The hon. member went over other items of the public accounts, as for instance, the immense sums paid for packing cases and the removal of the Government to this city. He had no doubt that from £100,000 to £200,000 had been squandered since the union, that might have been saved had there existed such a bill as that which he proposed. Of course, for cases of great exigency, such as a break in a canal, there would have to be a sum set aside, as in the United States. He said he did not find on the other side of the water that the President or executive officers of the United States had any such power of extending public money without law. He referred to the expense of removing the seat of Government, and characterised them as extravagant. If it had been necessary to vote these expenses in detail they would have been much less. He was convinced that since the Union £100,000 or £200,000 had been squandered and wasted, which the existence of such a law would have saved. Mr. B. then proceeded to defend the provision of his Bill relating to pensions. The present system opened the door to⁶⁵ a good deal of jobbing ... that would be stopped under his bill.⁶⁶ What was easier than for a minister to say to the occupant of some good office "now if you will retire we will give you a pension of £500 or £600, and I will take your place." He believed that some cases of this kind had occurred not very long since. He mentioned the case of Mr. Thornhill⁶⁷, a retired Clerk of the Crown Lands office, who, he believed,⁶⁸ was a defaulter and a very unfit person to entrust with a public office, and yet he was receiving yearly a pension of £125 while he was quite able to perform useful service. In reference to objections that the Government could not come on the public business without discretionary powers, in employing clerks &c., what was to prevent the Commissioner of Crown Lands for instance to come to this House and say "I want four or five more clerks"? most likely, the House would ask how long do your clerks work? The answer would be, They come at 10 or a little after, take a lunch at one, and go away punctually at 3. The House would be apt to say let your present clerks come at 9, and work till 6 as other honest people are obliged to do. After showing that he had sufficiently provided for casualties, he moved the second reading of the bill.⁶⁹

MR. BADGLEY seconded the motion.⁷⁰

MR. INSP. GEN. HINCKS supposed that every hon. gentleman was aware that, at the present time, it is not lawful for the government to expend money without the authority of law. If the government do so expend money, they are obliged to come down to parliament to obtain indemnity. He hoped that no government will exist in the province when, in emergencies, will not sanction the expenditure of public money, in reliance on the subsequent action of parliament. The hon. member for Norfolk had referred to certain expenditures at Quebec, and Montreal,

but he must be aware that these expenditures were made in accordance with an address of this house in relation to the removal of the seat of government. Sweeping remarks had been made concerning clerks in the public departments; in which he (Mr. H.) replied that in his own department, and he believed in others, the clerks perform their labours faithfully and zealously, and without being at all overpaid. He believed that they are underpaid, rather than otherwise, considering the expenses to which they are necessarily exposed. He said this without reference to their politics, of which he knew nothing, for it had been, and still was, his uniform rule never to inquire into the political opinions of those who labour in his department. Occasional instances of extra clerks being employed have occurred, but they have been comparatively rare. He affirmed without fear of contradiction, that in no case has an extra clerkship been called into being to provide for any political connection. With regard to expenses entered into in connection with the removal of the Executive Government to Quebec, he was satisfied that the government have acted with the fullest regard to economy. He was convinced that the measure before the House would not lead to any public benefit, because, after all, it imposed no new check upon the government, and added nothing to the restrictions already in existence. If it be said that it is desirable to limit the expenditure by the government to the sums actually voted by the legislature, he asked whether it is likely that the house, when passing an address in favour of any particular measure or movement, would hesitate, if called upon, also to vote beforehand any necessary sum for carrying it out? Already a sum is granted to cover contingencies, but it may happen that large and unforeseen calls may be made upon the public purse, which could not be disregarded without palpable injury to the public interests. If ministers sanction improper expenditures, they are responsible to the house for their conduct. Yet this bill proposes that if the ministry employ a single clerk without the authority of parliament, they shall be liable to a penalty of £500, to be sued for in a court of common law, on the information of a common informer. Who would become a minister if such a degrading law be enacted?⁷¹

MR. H. BOULTON.--The Ministry would have the command of the contingent fund⁷² for that.⁷³

MR. INSP. GEN. HINCKS.--Then if a minister could crowd all expenditure of this sort under the head of contingencies, the whole measure would be inoperative. Another part of the bill treated of pensions, to which he (Mr. Hincks) alluded a few evenings ago, in reply to the hon. member for Haldimand. He would only say now that the Government are themselves prepared with a measure on the subject, which he (Mr. H.) thought would be satisfactory to nearly all parties. The resolutions which had been prepared are in the hands of the printers, and will be laid before the House when the subject of the Civil List is taken up. For himself, he would add, that he had no desire that the Government should have power to grant pensions without the authority of Parliament. (Hear.) In conclusion, the hon. gentleman moved that the bill be read a second time this day six months.⁷⁴

DR. LATERRIERE (in French,) said that if the motion of amendment had not been seconded, that he should liked to have had the pleasure of doing so. He believed the bill would be entirely useless, as it was impossible to foresee the causes that might arise in which a Government would be necessitated to expend money. He spoke at some length, but did not bring out any new argument. He alluded to the manner in which Mr. Boulton had been handled by the mob in Montreal, and thought he was the last man who should complain of the expenses of the extra police force.⁷⁵

MR. LETELLIER (in French,) also condemned the bill in general terms, but brought out no new argument.⁷⁶

MR. CHRISTIE contended that the Bill contains propositions for which the people of Lower Canada long and earnestly struggled⁷⁷ before the Rebellion.⁷⁸ Formerly, the struggle was between the people and the Imperial Government; now it is between the people and the Provincial Government; and he thought that it would be discreet on the part of the Ministry not to persist in refusing compliance with demands which are at once just and popular.⁷⁹ He thought the Government should give the second clause of the bill, and he would be willing to go no farther. With regard to pensions, the Government could not go beyond the £5,000 voted for this purpose.⁸⁰ If they be wise, the Ministry will not grant any pension, even out of the sum voted for pensions, without the direct sanction of Parliament in each case.⁸¹

MR. INSP. GEN. HINCKS--We are ready, and have offered, to do so.⁸²

MR. CHRISTIE [continued:] There were cases under responsible government, in which the ministry were absolutely required to spend money on their own responsibility.⁸³ [He] would ... be the first to condemn any Ministry who refrained from the expenditure of money when any real emergency arises--such as damage to public works, and so forth.⁸⁴ With regard to the penalty clause, he concurred with the Inspector General⁸⁵. He also strongly disapproved of the clause which held a penalty of £500 over the heads of a Ministry who may expend a sum, however trivial, without previous sanction. Such a clause was degrading, and would not be submitted to by any honourable man.⁸⁶

MR. MACKENZIE said the Inspector General gained his seat and his office by pleading on one side upon this question, and he was now going to carry his case and keep his seat by arguing on the other side. But whatever ministers may do, the people are now, as they ever will be, averse to the practice of taking large sums of money out of the public purse without even the form of seeking the consent of the people's representatives. The whole system of the pension list is so monstrous, that it must always form a prolific source [sic] of public discontent, and a not less fruitful source of political immorality. Fostered by such a system, the clergy of the episcopal church are not satisfied with the princely revenues derived from the clergy reserves, but strive to figure on the civil list as state pensioners. With regard to the measure before the house, he admitted that it might be imperfect; but in view of the public feeling and the public interest, the better course would be to amend the bill in Committee, instead of destroying it by one fell swoop of the ministerial majority.⁸⁷ He believed the people of Upper Canada had for years desired such a measure to be passed.⁸⁸ Every man who votes in such a majority virtually expresses his approval of the bill of 1849, which provides that, without coming to this house, the government may pension every Judge in the country whenever they please. The amount expended in pensions during the last few years was enormous, and if applied in more useful directions would have accomplished wonders for the Province. If the course laid down by the hon. Inspector General be carried out, what story could he (Mr. McK.) tell to his constituents when he again met them? They would ask, have you got free schools? No. Reciprocity? No. The interest of the debt reduced? No, but raised. A cheap tariff, a reduction of salaries, or the abolition of the Court of Chancery? No. All he should be able to tell them would be, that pensions had been got, and that the government, having granted pensions, had run away to Quebec! (Laughter.)⁸⁹ He ... ridiculed the giving of pensions to such persons as Mrs. Rottot and others.⁹⁰ Finer electioneering capital could not be desired, and the government may rest assured that it will be turned to account at the coming election, and will in all probability result

in their signal discomfiture.⁹¹

COL. GUGY made a speech of about three-quarters of an hour in length⁹². He deemed the measure objectionable, because useless⁹³, but during the course of his speech brought out no new arguments, nor even alluded to the motion before the chair. He made a long and violent attack upon Mr. MacKenzie, stating by inuendo that he had been gotten between a cat and a monkey. He dilated in general terms upon the necessity there was for public men to have heart, feeling and virtue, and contended that these virtues formed the basis of all government. Unless public men did possess these virtues no government could exist; and even farther than this the very greatest chivalry of feeling was required. He then dilated upon political consistency, and contended for the necessity of this. He alluded to Mr. Mackenzie, as a liar, a traitor, a coward who had fled his country, a scoundrel, a robber and a murderer. He stated that the ladies who had been condemned by the hon. member for Haldimand were worth fifty of Mr. William Lyon Mackenzie.⁹⁴

Here MR. MORIN the SPEAKER and several gentlemen cried "order."⁹⁵

COL. GUGY went on and said, that he did not allude to the hon. member for Haldimand, but a petitioner who had come before that house for indemnity for services rendered on the Welland Canal; and the petitioner was named William Lyon Mackenzie. He had been most careful in making no allusion to the hon. member for Haldimand, as the House might have noticed; but he had alluded to Mr. Mackenzie. He believed that if this country had fallen in the hands of the Americans, that there would be too much honour among them to deprive those ladies of the pittance allowed them to subsist upon, whose husbands had shed their blood in the service of their country. He concluded by alluding to Mr. Mackenzie as being composed of half cat, half monkey, half tiger and half goat. With these last words he sat down.⁹⁶

MR. J. SCOTT of Bytown considered it a disgrace for the House to have listened to such a speech as that which had just fallen from the lips of the hon. member from the Town of Sherbrooke, as the speech itself was disgraceful to that member.⁹⁷

MR. MORIN the SPEAKER said the hon. member for Sherbrooke had certainly violated the rules of order by his personal allusions.⁹⁸

COL. GUGY denied that he had alluded personally to the hon. member for Haldimand.⁹⁹

MR. COM. CR. LANDS PRICE opposed the Bill, and replied to several of the details of the speech of the member for Haldimand. (The accusations and the replies were precisely similar to those which have been already published in connection with the speeches of Mr. Mackenzie.)¹⁰⁰

MR. H. SHERWOOD would vote against the bill because he considered it unnecessary.¹⁰¹ [It] would be of no benefit as a check upon the lavish expenditure of the Government.¹⁰² If the ministry spent money without the previous sanction of the House, it was the duty of the House to decline to approve it.¹⁰³ Such a bill, introduced into the English House of Commons, would be hooted down, as incompatible with every thing like responsibility. There have been cases of expenditure by the Provincial Government of which he never could approve, and against which he voted, although ineffectually. In all cases, the Ministry have been sustained by a willing majority, but their verdict may be reversed when another appeal is made to the country.¹⁰⁴

MR. RICHARDS read a motion by Mr. H.J. Boulton, pledging the House to pay

any sum of money that might be necessary to preserve order during the session of 1849, in Montreal, and pointed out what he thought the inconsistency of the hon. member now finding fault with that very expenditure.¹⁰⁵ [He] had no doubt that the hon. member for Toronto believed that the interests of the Province would be best attended to by himself and his friends; but the country entertained little relish for the notions of economy which these gentlemen carried out when last in office. He (Mr. R.) could not believe that any considerable party could be found willing to sanction the general onslaught upon the pension but which appeared to be contemplated by the members for Haldimand and Norfolk. Public faith must be maintained in reference to pensions already granted; and in view of the future, it would be well to wait until the ministry bring in their promised measure upon the subject. With regard to other parts of the bill before the House, he could not but feel that the clause exposing a minister to a penal trial was utterly inadmissible, even on the score of propriety, and would, after all, be of no avail as a check upon unprincipled men.¹⁰⁶ He contended that the present bill could have no effect.¹⁰⁷ Advertising to previous speakers, he gave utterance to a hope that the members for Haldimand and Sherbrooke would exhibit an improvement in their tone, one in relation to his facts, the other in regard to his¹⁰⁸ very extraordinary language¹⁰⁹. Hear.¹¹⁰

MR. MACKENZIE claimed liberty to remark¹¹¹ in answer to Mr. Gagy,¹¹² that the speech of the member for Sherbrooke was precisely¹¹³ just such language as that which was heard before the burning of the Parliament House¹¹⁴ in Montreal in 1849.¹¹⁵ The blind led the blind, and the consequence was known. He denied that he spoke disrespectfully of Father Chiniquy.¹¹⁶

MR. MERRITT intimated his intention to vote against the amendment of the Hon. Inspector General, being satisfied that the state of things since the union justifies vigorous attempts at legislation upon this subject. He deemed the Bill under consideration inefficient as a check, but should vote for its second reading, in order that an attempt may be made to amend it in Committee. He was convinced that the action of the present system of what is called responsible government, has been proved to be a failure, and that the only remedial course open to us is the adoption of the constitutional check which has been established in the state of New York.¹¹⁷

MR. H. BOULTON replied generally to preceding speakers¹¹⁸.

(70)

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Badgley, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by Mr. Solicitor General Drummond, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Fourquin, Gagy, Guillet, Hall, Hincks, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Mongenais, Morrison, Notman, Polette, Price, Richards, Robinson, Ross, Sauvageau, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Taché, and Wilson.--(45.)

NAYS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Christie, Hopkins, Mackenzie, Malloch, McConnell, McLean, Merritt, Meyers, Sanborn, Seymour, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(15.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Solicitor General Macdonald, seconded by Mr. Cauchon,
The House adjourned.

APPENDIX: 10 JUNE 1851.

[QUESTION AND ANSWER RE: NAVIGATION OF ST. LAWRENCE.]¹¹⁹

MR. H. SHERWOOD moved for a copy of a certain Despatch and correspondence relative to the free use of the Navigation of the St. Lawrence.¹²⁰

MR. AT. GEN. BALDWIN said the Imperial Government formerly invited an expression of opinion on this subject by the Provincial Parliament; and at the very time the joint Address was on its way to England, an answer of Earl Grey was being received to a communication on the same subject by the Montreal Board of Trade. No formal reply can be found to the joint Address; it is therefore presumed that it was taken for granted by the Home Government that the Address was agreed to in compliance with the suggestion thrown out by Earl Grey himself. With regard to the correspondence, the Ministry were reluctant to produce it while the negotiations concerning reciprocity are in progress.¹²¹

MR. H. SHERWOOD said he had no doubt that a formal answer was received to the joint Address, although it may have been mislaid.¹²²

MR. INSP. GEN. HINCKS said, as the matter rests entirely with the Provincial Government the Imperial Government could entertain no strong desire about it. They would agree to what may be desired here.¹²³

MR. H. SHERWOOD asked if it was to be understood that it is in the power of the Provincial Government to open the St. Lawrence to foreign vessels, without reference to the Imperial Government?¹²⁴

MR. INSP. GEN. HINCKS--Certainly.¹²⁵

The subject then dropped.¹²⁶

FOOTNOTES: 10 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 13 June 1851, and NORTH AMERICAN, 13 June 1851. The following papers reported the debate in partially identical accounts: EXAMINER, 11 June 1851, GLOBE, 12 June 1851, BATHURST COURIER (Supplement), 13 June 1851, MONTREAL GAZETTE, 14 June 1851, and PILOT, 17 June 1851.
2. BRITISH COLONIST, 13 June 1851.
3. GLOBE, 12 June 1851.
4. BRITISH COLONIST, 13 June 1851.
5. IBID.
6. GLOBE, 12 June 1851.
7. BRITISH COLONIST, 13 June 1851.
8. IBID.
9. GLOBE, 12 June 1851.
10. BRITISH COLONIST, 13 June 1851.
11. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, and PILOT, 17 June 1851.
12. GLOBE, 12 June 1851.
13. IBID.
14. IBID.
15. IBID.
16. The following papers reported the debate on this matter in identical accounts: EXAMINER, 11 June 1851, BATHURST COURIER (Supplement), 13 June 1851, MONTREAL GAZETTE, 14 June 1851; GLOBE, 13 June 1851, PILOT, 17 June 1851; BRITISH COLONIST, 13 June 1851, NORTH AMERICAN, 13 June 1851, and BRITISH WHIG, 14 June 1851. A commentary appeared in the MONTREAL GAZETTE, 18 June 1851.
17. GLOBE, 12 June 1851.
18. BATHURST COURIER (Supplement), 13 June 1851.
19. GLOBE, 12 June 1851.
20. BATHURST COURIER (Supplement), 13 June 1851.
21. IBID.
22. GLOBE, 12 June 1851.
23. BATHURST COURIER (Supplement), 13 June 1851.
24. BRITISH COLONIST, 13 June 1851.
25. GLOBE, 12 June 1851.
26. BRITISH COLONIST, 13 June 1851.
27. GLOBE, 12 June 1851.
28. BRITISH COLONIST, 13 June 1851.
29. GLOBE, 12 June 1851.
30. BRITISH COLONIST, 13 June 1851.
31. GLOBE, 12 June 1851.
32. BRITISH COLONIST, 13 June 1851.
33. GLOBE, 12 June 1851.
34. BRITISH COLONIST, 13 June 1851.
35. GLOBE, 12 June 1851.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. BRITISH COLONIST, 13 June 1851.
42. GLOBE, 12 June 1851.
43. IBID.

44. BRITISH COLONIST, 13 June 1851.
45. GLOBE, 12 June 1851.
46. IBID.
47. BRITISH COLONIST, 13 June 1851.
48. GLOBE, 12 June 1851.
49. IBID.
50. IBID.
51. IBID.
52. BRITISH COLONIST, 13 June 1851.
53. GLOBE, 12 June 1851.
54. BRITISH COLONIST, 13 June 1851.
55. IBID.
56. IBID.
57. IBID.
58. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, PILOT, 17 June 1851; BRITISH COLONIST, 13 June 1851, and NORTH AMERICAN, 20 June 1851, copied from BRITISH COLONIST. The following papers reported the debate in partially identical accounts: NORTH AMERICAN, 13 June 1851, MONTREAL GAZETTE, 16 June 1851, and BRITISH WHIG, 16 June 1851. The debate was also reported by BRITISH WHIG, 12 June 1851. Commentaries appeared in: BRITISH COLONIST, 13 June 1851, NORTH AMERICAN, 20 June 1851, copied from BRITISH COLONIST; PILOT, 14 June 1851; MONTREAL GAZETTE, 17 June 1851; and JOURNAL DE QUEBEC, 17 June 1851.
59. GLOBE, 12 June 1851.
60. BRITISH COLONIST, 13 June 1851.
61. GLOBE, 12 June 1851.
62. BRITISH COLONIST, 13 June 1851.
63. GLOBE, 12 June 1851.
64. BRITISH COLONIST, 13 June 1851.
65. GLOBE, 12 June 1851.
66. BRITISH COLONIST, 13 June 1851.
67. GLOBE, 12 June 1851.
68. BRITISH COLONIST, 13 June 1851.
69. GLOBE, 12 June 1851.
70. BRITISH COLONIST, 13 June 1851.
71. GLOBE, 12 June 1851.
72. IBID.
73. BRITISH COLONIST, 13 June 1851.
74. GLOBE, 12 June 1851.
75. BRITISH COLONIST, 13 June 1851.
76. IBID.
77. GLOBE, 12 June 1851.
78. BRITISH COLONIST, 13 June 1851.
79. GLOBE, 12 June 1851.
80. BRITISH COLONIST, 13 June 1851.
81. GLOBE, 12 June 1851.
82. IBID.
83. BRITISH COLONIST, 13 June 1851.
84. GLOBE, 12 June 1851.
85. BRITISH COLONIST, 13 June 1851.
86. GLOBE, 12 June 1851.
87. IBID.
88. BRITISH COLONIST, 13 June 1851.
89. GLOBE, 12 June 1851.

90. BRITISH COLONIST, 13 June 1851.
91. GLOBE, 12 June 1851.
92. BRITISH COLONIST, 13 June 1851. NORTH AMERICAN, 13 June 1851, commented that: "During Gagy's tirade of Blackguardism, Cauchon the Editor of a French paper sat behind him as prompter, and the Ministers and their French supporters generally, seemed to enjoy the attack. The speaker never once interrupted Gagy, though his language was throughout unparliamentary, and insulting to every man who had belonged to the reform party in Upper or Lower Canada, previous to 1837. Still the craven-hearted Ministry, to whom a great deal of the dancing-master's abuse was just as applicable as to Mackenzie, heard it all patiently with a smirking smile of approbation!"
93. GLOBE, 12 June 1851.
94. BRITISH COLONIST, 13 June 1851.
95. IBID.
96. IBID.
97. IBID.
98. GLOBE, 12 June 1851.
99. BRITISH COLONIST, 13 June 1851.
100. GLOBE, 12 June 1851.
101. BRITISH COLONIST, 13 June 1851.
102. GLOBE, 12 June 1851.
103. BRITISH COLONIST, 13 June 1851.
104. GLOBE, 12 June 1851.
105. BRITISH COLONIST, 13 June 1851.
106. GLOBE, 12 June 1851.
107. BRITISH COLONIST, 13 June 1851.
108. GLOBE, 12 June 1851.
109. BRITISH COLONIST, 13 June 1851.
110. GLOBE, 12 June 1851.
111. IBID.
112. BRITISH COLONIST, 13 June 1851.
113. GLOBE, 12 June 1851.
114. BRITISH COLONIST, 13 June 1851.
115. GLOBE, 12 June 1851.
116. BRITISH COLONIST, 13 June 1851.
117. GLOBE, 12 June 1851.
118. IBID.
119. The following papers reported the exchange on this question in identical accounts: EXAMINER, 11 June 1851, BATHURST COURIER (Supplement), 13 June 1851, MONTREAL GAZETTE, 14 June 1851; GLOBE, 12 June 1851, and PILOT, 17 June 1851. The following papers reported the exchange in partially identical accounts: BRITISH WHIG, 11 June 1851, MONTREAL GAZETTE, 11 June 1851, MORNING CHRONICLE, 11 June 1851, PILOT, 12 June 1851, BRITISH COLONIST, 13 June 1851, NORTH AMERICAN, 13 June 1851, and LA MINERVE, 12 June 1851.
120. GLOBE, 12 June 1851.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.

WEDNESDAY, 11 JUNE 1851.

(70)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Hall,--The Petition of the Reverend J.B. Howard, Chairman, on behalf of the Board of Common School Trustees of the Town of Peterborough; and the Petition of the Municipality of the Township of Emily.

By the Honorable Mr. Badgley,--The Petition of P.P. Russell and others, of the County of Missisquoi.

By Mr. Mongenais,--The Petition of the Reverend F.T. Lahaye, General Agent of the community of Saint Viateur for the Colleges of Industrie, Chambly and Rigaud.

By Mr. Seymour,--The Petition of George Crawford, Esquire, and others.

By Mr. Laurin,--The Petition of F.S.R. Bellefeuille and others, late Officers of the Municipal District of Three Rivers.

By Mr. Fergusson,--The Petition of the Municipal Council of the Town of Guelph.

By Mr. Solicitor General Drummond,--The Petition of Joseph Bouchette, Esquire, Author of the Geographical Map of Canada; and the Petition of Moses Gilman and others, of Coldbrook, Township of Brome.

By the Honorable Mr. Attorney General Baldwin,--The Petition of David Hoover and others, of Cartwright, Mariposa, and other Townships.

By the Honorable Mr. Cayley,--The Petition of the Municipal Council of the United Counties of Huron, Perth and Bruce; and the Petition of John McIntosh, of the Township of Kincardine.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of the Mayor and Councillors of the City of Quebec; praying certain amendments to the Act 10 Vic. cap. 113, for supplying the City of Quebec with water,

(71)

and also the Act 13 & 14 Vic. cap. 100, amending the same.

Of Mrs. Marie Antoinette Gaudry, widow of the late André Gaudry, of Quebec; representing that her said late husband, in consequence of his strict attention to the duties of his office as a Custom House Officer at Quebec, died in the month of May last, leaving her and her family unprovided for, and praying relief in the premises.

Of Lady Caldwell and others, the Ladies Managers of the Male Orphan Asylum of Quebec in connection with the Church of England; praying aid in behalf thereof.

Of the Mayor and Councillors of the City of Quebec; praying certain privileges to enable them to recover arrears of taxes with greater facility.

Of F.E.N. Borgden and others, of the Parish of Ste. Anne, County of Champlain; and of Gaspard Moras and others, Censitaires, of the Parish of St. Pierre les Becquets; praying the adoption of measures for defining the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

Of the Reverend N.F. English and others; praying the passing of an Act to remove all penalty or disability, except the legal responsibility for consequences, from all persons wishing to practice Physic or the cure of diseases.

Of David Stevenson; representing that he served in the Militia during the late war with the United States, and that from circumstances connected therewith, involving his solemn oath, he was deprived of all his property, and that he is now in the seventieth year of his age unprovided for, and praying relief.

Of J.B. Lebel and others, of the Township of Whitworth, County of Rimouski; praying aid to enable them to improve certain Roads, and construct Bridges be-

tween the said Township and the Parish of Kakouna.

Of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski; praying aid to open and complete the Roads leading to the Townships of Neigète and Macpèse.

Of P. Gauvreau, Esquire, and others, of the Parish of St. Germain, County of Rimouski; praying the adoption of measures to promote the construction of the Railroad from Halifax to Quebec alluded to by the Imperial Government.

Of Joseph Garon, Esquire, and others, of the Parish of St. Germain, County of Rimouski; praying for the construction of a Wharf in the said Parish.

Of Isaac Roy, Esquire, and others, of the Parish of St. Fabien, and others, Pilots of the River St. Lawrence; praying aid to open and construct a Road to the sea-port in the said Parish.

Of the Municipal Council of the Municipality of Fraserville, County of Rimouski; praying aid to construct a Wharf, and to improve the sea-port of Rivière du Loup.

Of the Municipal Council of the Municipality of Fraserville, County of Rimouski; praying aid to improve the Lake Temiscouata Road.

Of Ira Gould and others his sons, of the City of Montreal; praying the passing of an Act of Naturalization in their behalf.

Of Mrs. E. Arnoldi and others, Charitable Ladies, the Directresses and Officers of the Catholic Orphan Asylum of Montreal; praying aid in behalf thereof.

Of John Eakins and others, Officers who served in the late American War; praying the passing of an Act to extend the time for applying for Lands under Militia Claims.

Of J.B. Legendre, Esquire, Mayor, and others, Censitaires and Freeholders, of the Parish of Gentilly; praying aid to improve the Road from the said Parish to the River Bécancour, in the Township of Blandford.

Of Joseph A. Mailhot and others, freeholders, of the Parishes of St. Pierre les Bécquets and St. Jean les Chaillons; praying aid to improve the route from Rivière aux Orignaux in Gentilly, to the limits of the said Parish of St. Jean les Chaillons, which route is now obstructed by many hills caused by the deep ravines passing through it.

Of Pierre Dorion, Esquire, and others, inhabitants of the Parishes in the neighbourhood of Quebec; praying the repeal of so much of the Act incorporating the said City as empowers the Corporation thereof to impose a tax on the products of their lands when carried to the markets of the said City.

Of the Reverend W. Bell, A.M., and others, the Minister and Elders of the First Presbyterian Church in Perth; of James Allan and others, of Town of Perth, in public meeting convened; and of G.W. Allen, of the Village of Gananoque and vicinity; praying the adoption of measures for abolishing all labor on the Lord's Day in the Postal Departments of the Public Service.

Of John McKenzie, of the Township of Bosanquet, County of Lambton; representing that he is imprisoned for debt in the County of Lambton while his family resides in the County of Essex, and therefore cannot avail himself of bail to return to his family as they reside without the Gaol limits, and praying relief in the premises.

Of Robert Doan, of the Township of Crowland; praying compensation for the loss of his house destroyed during the troubles of 1837 and 1838.

Of the Municipality of the Township of Pickering; praying that no division be made of the County of York, but that in case such division is deemed necessary, the said Township may remain an integral portion of the Metropolitan County.

Of the Town Council of Port Hope; praying that the proposed Bill to increase the Capital Stock of Port Hope Harbour and Wharf Company, or any other measure having for its object the recognition of the said Company, may not pass into law.

Of J. Duguay and others, on behalf of a meeting of inhabitants of the County of Yamaska; praying the passing of an Act to amend the Act 12 Vic. cap. 38,

establishing a Circuit Court in the said County, and that the limits of the said Circuit be defined.

Of John Henderson, of the Parish of Beauport; complaining that he has been illegally made a Bankrupt, deprived of his property, and put under arrest, in favor of a party who is indebted to him,--and praying an enquiry into the conduct of the Judge presiding in the premises, and for relief.

Petitions
referred.

Resolved, That the Petition of the Municipal Council of the United Counties of Wentworth and Halton, be referred to a Select Committee, composed of Mr. Smith of Wentworth, Mr. Hopkins, Mr. Notman, Mr. Fergusson, and Mr. Flint, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Resolved, That the Petition of Robert Headland and others, of the County of Grenville, be referred to a Select Committee, composed of Mr. McFarland, Mr. Smith of Frontenac, Mr. Smith of Durham, Mr. Prince, and Mr. Burritt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Third Report
of Committee
on Printing.

Mr. McLean, from the Standing Committee on Printing, presented to the House the Third Report of the said Committee, which was read, as followeth:--

(72)

Your Committee have received, pursuant to advertizement, Tenders for the Binding of the Journals and Appendices of Your Honorable House of the present Session, and beg leave to report the same as follow:--

From Messieurs Brewer and McPhail:--

Appendix, not exceeding 600 pages, 2s. 7d.

Journals 2s. 5d.

From Mr. Rollo Campbell:--

Journals and Appendices do. 2s. 2½d.

From Mr. Richard Cuthbert:--

Journals and Appendices do. 2s. 10d.

Your Committee would recommend the acceptance of the Tender of Mr. Rollo Campbell, it being the lowest in amount, upon his giving satisfactory security for the due performance of the work.

Resolved, That this House doth concur with the Committee in the said Report.

Report on Pe-
tition of J.
Painchaud and
others.

The Honorable Mr. LaTerrière, from the Select Committee to which was referred the Petition of Joseph Painchaud, Esquire, and others, Physicians and Surgeons of the District of Quebec, and another Petition, with power to report by Bill or otherwise, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee, after having attentively examined the allegations and prayer of the said Petitions, are of opinion, that the interests of the public would be served, and that it would be of great advantage to Lower Canada if parties are prevented from obtaining Licenses to practise Medicine, Surgery, and Midwifery in Lower Canada, without having first undergone an examination before the Provincial Medical Board, and obtained a License therefrom for that object.

Wherefore, Your Committee recommend, with due deference, that the substance of their report be substituted in the place and stead of the 6th section of the Act 10 & 11 Vic. cap. 26, and of the Act 12 Vic. cap. 52, in amendment thereof; and that the 7th section of the said Act 10 & 11 Vic. cap. 26 be repealed.

Your Committee, therefore, respectfully recommend to Your Honorable House, that a Bill be introduced during this Session, based on the allegation of this report, which they submit to the consideration of Your Honorable House.

Report on Pe-
tition of Rev.
E. Faucher
and others.

Mr. Laurin, from the Select Committee to which was referred the Petition of the Reverend Edouard Faucher and others, of the Parish of St. Louis de Lotbinière, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee, after having examined the allegations and the prayer of the said Petition, and the evidence of the Reverend Mr. E. Faucher, Curé, of the said Parish, as well as the Registers laid before the Committee by that gentleman, have decided to report:

That in order to obviate the inconvenience and trouble which might result from the want of the Registers, especially those of the year one thousand eight hundred and fifty, it is absolutely necessary that a law be passed to authorize the Reverend Mr. E. Faucher, Curé of the said Parish, to make as correct, as possible, a copy of the original Register of the said year one thousand eight hundred and fifty, saved, though in part destroyed, from the burning of the Sacristy of the said Parish on the fifteenth of December, one thousand eight hundred and fifty; that the said copy should be certified by the said Reverend Mr. E. Faucher, as correct, to the best of his knowledge, and in conformity with the original above mentioned, and afterwards deposited of record in the archives of the Fabrique of the said Parish of St. Louis de Lotbinière; and that the same be considered as an original Register.

That all extracts of the marriages, baptisms, and burials, taken from the said copy of the Register of the said year one thousand eight hundred and fifty, certified and delivered by the Curé or person administering the said Parish of St. Louis de Lotbinière, shall be considered as authentic extracts, primâ facie, until proof of the contrary be shewn.

Your Committee are of opinion that a duplicate copy of the said original Register of the year one thousand eight hundred and fifty, made and certified by the said Reverend Mr. E. Faucher, as aforesaid, should be deposited in the Office of the Prothonotary of the Superior Court of Lower Canada, in the District of Quebec, and be considered as an original Register; and that all extracts of the actes above mentioned, certified and delivered by the said Prothonotary, should be also considered as authentic extracts, primâ facie, until proof of the contrary be shewn.

Your Committee are further of opinion that a copy of all the Registers of the said Parish of St. Louis de Lotbinière, up to the first of January of the said year one thousand eight hundred and fifty, should be made and certified by the said Prothonotary as by law required, and deposited in the archives of the Fabrique of the said Parish; such copy of the said Registers to be considered as the original Registers of the said Parish, and that all extracts of the actes therein contained, certified and delivered by the Curé or person administering the said Parish as aforesaid, should be also considered as authentic extracts, primâ facie, until proof of the contrary be shewn.

Wherefore, Your Committee most respectfully submit their report to the consideration of Your Honorable House, and pray for leave to bring in a Bill founded on the allegations of Your Committee.

Third Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of W. S.

Burnham and others; of Edward Taylor Dartnell, Esquire; of the Honorable George Moffatt and others; of D'Alton McCarthy; and of George Patterson and others, and find that in each case the requisite notices have been given.

They have also examined the Petitions of Alexander Douglas and others, for authority to construct a Suspension Bridge across the River Niagara, near the Waterloo Ferry; and of Frederick C. Capreol, Esquire, for authority to construct a Canal around the Sault Ste. Marie, and find that in these cases the Rules of Your Honorable House respecting notices have not been complied with.

On motion of Mr. Mackenzie, seconded by Mr. Smith of Durham,

Petitions of the Municipal Council of the County of Haldimand.

Ordered, That the Select Committee to which was referred the Petition of the Municipal Council of the County of Haldimand, praying for authority to close up a certain part of Ottawa Street in the Town of Cayuga, and another Petition from the same Municipal Council, be discharged.

Petitions referred.

Ordered, That the Petition of the Municipal Council of the County of Haldimand, praying for authority to close up a certain part of Ottawa Street in the Town of Cayuga; the Petition of the Municipal Council of the County of Peterborough; the Petition of the Reverend Robert S.C. Taylor, M.A., Rector, and others, Church Wardens of St. John's Church in the Town of Peterborough; and

(73)

the Petition of Ira Gould, and others his sons, of the City of Montreal, be referred to the Standing Committee on Standing Orders.

Answer to an Address.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, That their Address of the 9th June instant, (that certain additional particulars might be included in the Return of the names of the Medical Gentlemen who have constituted the several Boards of Examiners of the Medical Board,) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House, that he will give directions accordingly.

Answer to Addresses.

The Honorable Mr. Attorney General Baldwin also reported to the House, That their other Addresses of the 9th June instant, (that the Papers therein mentioned might be laid before this House,) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House, that he will give directions accordingly.

Protection to Canadian Products.

The Honorable Mr. Cayley moved, seconded by Sir Allan N. MacNab, and the Question being proposed, That the following Address be presented to Her Majesty:

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We Your Majesty's dutiful and loyal subjects, the Commons of Canada, beg respectfully to submit to Your Majesty, that the system of moderate protection to Colonial Products in the markets of Great Britain which formerly obtained under Imperial sanction, was the chiefest source of prosperity to this Province; that the removal of protection from Canadian Wheat and Flour, by recent legislation, has proved a serious check to agricultural industry and labor; and the contemplated removal of existing Duties on the importation of Foreign Timber into the Ports of Great Britain threatens still further to injure Canadian interests.

It is unnecessary to enlarge upon the importance of a favourable market in Great Britain for Colonial Products, and the serious disadvantage under which they labor from the all but prohibitory Duties imposed by the neighbrouing States on Imports from Canada.

We, therefore, humbly and earnestly pray Your Majesty to take the above facts into Your favourable consideration, in order to continue the advantages as yet retained by the Colonies in the British Markets, and to restore that protection generally to Canadian Products which was formerly enjoyed by them, and avert the injury which must inevitably ensue should the boon, now humbly sought for, be denied.

And a Debate arising thereupon;¹

MR. CAYLEY: The hon. gentleman remarked that Canada has made two formal attempts, since the free trade era commenced, to obtain the protection which is essential to our welfare. Both attempts were summarily disposed of² in England; but he now desired to ask the House if the time had not arrived for another appeal³, made with the same object, believing that a change has taken place with regard to the prospects of free trade, which warrants a hope that more successful results will in this instance ensue.⁴ It was not his intention to occupy the time of the House with a review of the policy pursued by Great Britain for the last five years, but it was necessary for him to make some reference to the state of parties, and the turn matters had taken at home, in support of the resolution he had introduced. It must be evident to Hon. members that the Agricultural classes⁵ of England⁶ were not going to sit down⁷ quietly⁸ contented with⁹ the losses consequent on the series of experiments which have been carried on for the last four or five years,¹⁰ almost entirely at their expense.¹¹ And there is as little doubt that despite ... all the boasts of the free traders, a change is coming over the opinions of the British people upon this subject. Financial considerations, if not political principle, appear likely to render the adoption of a fixed duty on grain imported into England a desirable if not a necessary measure.¹² The financial policy of Great Britain was clearly to raise the chief part of her revenue by duties on imports, discriminating between those that did and those that did not interfere with her own manufactures. This protection had been extended to every branch of trade and occupation with the single exception of Agriculture. There a marked distinction had been made, as, while breadstuffs and provisions were admitted almost duty free, a very heavy excise was continued on some important manufactures from the products of the soil, on distilled spirits, beer, hops, and malt, while the cultivation of tobacco was absolutely prohibited. The remission of duties had led to so large and continuous an importation of grain from foreign parts, as to lower prices, and throw a considerable portion of arable land into pasture. This state of things had aroused the energies of the strong agricultural party in Great Britain, and, coupled with the fact, that the income tax had now been renewed for one year only, and that its place must be supplied by some other duty, there was every reason to expect that a strong effort would be made to return to a fixed duty on wheat. The present ministry, too, were now only holding office at the will of their opponents; and Lord Stanley, whose course had been perfectly consistent on this point, had lately declared himself in favour of that course. That nobleman ... as the author of the Canadian trade system¹³, whose whole career had demonstrated his attachment to the Colonies, will very shortly be called to office as the leader of the Imperial Ministry; and as his lordship has explicitly declared that it is his intention to use his utmost exertions to obtain a fixed duty, it becomes the duty of the Colonies to render to him all the support of their power. It may be said that Canada can render no aid to the British Protectionists, but he thought differently¹⁴. They might do so by giving the British manufacturer that advantage in her markets

which she possessed before the Province was driven from the differential duties by the legislation of Great Britain. The extent especially of the import trade of Canada, was little known in England, and still less appreciated; but it might be urged, that they were a distant colony, and that the onus fell upon them to show the value of this trade. Referring to a Report which he held in his hand, entitled "Dawson's Commercial Progress of the Colonial Dependencies of the United Kingdom during twenty years," which appeared in 1849, he found an estimate of imports into Canada for five years, from 1842 to 1846 inclusive, yielding an average of £2,174,332 sterling, or £2,645,436 c'y. but on referring to their own printed returns of duties levied for the same period, he found the average to be £3,664,016. To bring the imports of Canada down to a later period, he would take the last seven years (including the disastrous seasons of 1847 and 1848) giving an average of £4,152,333, or, leaving out the years of 1847 and 1848 as years of unusual depression, the average for 1844, '45, '46, '49 and '50, would be £4,365,209. Pursuing the inquiry still further, and taking the printed details of the imports of 1850 as a guide, he found that out of the gross value of the imports of that year, estimated at £4,245,517, the value of the articles in which Great Britain did not compete did not exceed £338,000, the principal articles being:--

Shrubs, Grain, Fruit, Provisions, Fish	£103,000
Horses, Cattle, Hides, Tallow, Grease	115,000
Wood, Lumber, India Rubber	19,000
Coin, Bullion, Books, Settlers' Goods	101,000
	<hr/>
	£338,000

to which might be added the imports from the adjacent British North American Colonies, amounting to £96,400. Deducting these two sums from the average annual imports for the five years last named, an amount little short of four millions would be left, by far the greater proportion of which might be supplied by Great Britain by a return to the former system of differential duties. Whereas under the present and late acts introduced since 1846, there was a gradual and serious falling off in the imports from Great Britain to Canada, from the year 1845 to this period. Returning for a moment to the report of Mr. Dawson, he would state the proportion which the imports into Canada bore to the importations into other dependencies of the British dominions. Mr. Dawson gave the following returns, taking the average of five years preceding 1847:--

N. American Colonies, (less Canada)	£2,673,663
West Indian	4,511,649
African	1,039,139
East Indian (Ceylon and Mauritius)	2,259,036
Australian	2,489,982
East Indies (British Goods)	1,511,400

Canada had already been shown to import annually to the extent of £4,365,000 currency, a little short of £3,590,000 sterling; at the same time that the rapid growth and healthy condition of the province justified the expectation of a steady annual increase. He would not dwell upon that branch of the subject which bore upon the timber trade, that matter having been fully discussed on a recent occasion, and most ably argued by the member for Ottawa--confining himself to the remark that the estimate, that a thousand vessels, principally British, were engaged in that trade, was rather under than over the mark. There was another branch of the subject on which he would touch very slightly, the right that Canada had to be considered part and parcel of Great Britain, and¹⁵ in that character¹⁶, to have the products admitted into British ports free of any

duty which might be imposed on like products from foreign countries. Irrespective of their claims as a colony, a dependency, an off-shoot of Great Britain, England herself had suggested, pointed out the way, and advanced a considerable portion of the means, for the construction of those great works on the St. Lawrence, on the Welland Canal, and the Ottawa, at a cost of upwards of three millions to Canada which were to convey her products to England and receive her manufactures in return. It would never be contended that her trade thus directed, forced it ... might be said, into a particular channel, (if the works were to be made productive,) was to be regarded as a foreign trade and that her other markets, because they were the manufactures of a British dependency should be treated in the British market as foreign productions.¹⁷

MR. MERRITT would not allow the subject to pass without expressing the sense of its importance, although he was sensible that the address now before the house would effect no good whatever¹⁸, in England, and be productive of harm to the Canadian agriculturist.¹⁹ The address said truly that the adoption of the free trade policy, in the manner in which it was adopted, had acted injuriously to the Canadian Farmer; but the injury resulted, not from free trade itself, but from the neglect of Great Britain to obtain access for our products into other markets.²⁰ He should like to know what was the policy of the Government or whether it had any policy at all with regard to free-trade and protection?²¹ He did not desire to see high prices restored in England; but what he was anxious to see brought about was, such a measure as would²² equalize the prices of agricultural products of this country, with those of the United States, to enable the Canadian farmer to procure as high a price as the American. Now would these resolutions do anything towards securing this object? Certainly, they would not. If one asked for a small protection, and got say 5s. a quarter on foreign wheat, while Canadian wheat was admitted at 1s. The Canadian farmer would get a bounty of 4s., no doubt; but there were certain times when the markets were higher in the United States than in Great Britain. Now how would the differential duty remedy that evil? Nothing less than the extension of the Navigation Law to everything else, would answer the purpose; and to ask less would be only to deceive the agriculturists of the Province.²³ He suggested that the motion be postponed,²⁴ in order that the United States should know what Canada was about--should know that Canada was asking Great Britain to put on the same duty as the United States put upon Canadian produce. This would have an immediate effect at Washington; for as soon as they began to think that this step would be taken, so soon would the American government begin to negotiate [sic].²⁵ The address itself could do no good; the only measure that could avail Canada would be the imposition of duties on American products equal to those which America imposes on our products.²⁶

MR. INSP. GEN. HINCKS had no confidence in the results likely to follow the adoption of this or any similar address; but he nevertheless²⁷ had never been disposed to throw any obstacles in the way of addresses like this. He wished the present motion, however, to be postponed in justice to the hon. member for Lincoln who had postponed his resolutions till²⁸ the 20th instant²⁹, and who would, therefore, be treated with great injustice, if resolutions of a contradictory character, were passed in the meantime.³⁰ It was obvious that the House could not adopt both this address and the address which the hon. member for Lincoln had proposed.... He suggested to the member for Huron to delay his motion until the same date.³¹ Justifying the free-traders from the charges made upon them of having aided to destroy the protection formerly accorded in England to Colonial products, he alleged that every one knew the free-traders had always desired to retain these advantages as long as they could. And he further complained that all the sins of the removal of the differential duties were imputed by the

Patriot--understood to be the organ of gentlemen opposite--to himself, whereas that measure was passed by the hon. member for Huron. He supported that measure at the time, and had not changed his opinion; but if it were a sin, let it fall upon the right head.³² In the meantime, he (Mr. H.) had no objection to state that he was willing to support the efforts of the hon. member to carry an address, if not exactly similar to the present one, at least having similar objects in view. Certainly he should prefer the present address to that of the member for Lincoln. In the course of a few days, he hoped to be able to lay on the table the trade returns of the Province, from which it was probable much valuable information might be obtained, to throw light on this question, and to give point to any address that may be adopted.³³ He also thought it would be well if the House were to ask for the removal of the duty now levied on Canadian produce in the same address.³⁴

MR. ROBINSON trusted that England will yet restore to Canada the advantages which were formerly enjoyed. While agreeing, however, with the purport of the address now proposed, he must still give preference to the views advanced in his own resolutions, as those which were more likely to be carried into effect by the home government.³⁵

MR. CAYLEY, in his reply, insisted on the advantages that must follow the imposition of a fixed duty, and the probability that such a duty will shortly be imposed. He should prefer a full measure of protection, but in the absence of that, he would be contented with the duty for which the address prayed. If the adoption of that course led the Americans to deprive us of the privileges now afforded to our trade, in respect of transit through the United States, he should be prepared to submit to the loss of it in consideration of obtaining protection at home.³⁶

MR. CAUCHON opposed the motion. England would not change her views for the sake of Canada, and therefore it was useless to ask her. Mr. Hincks had opposed Mr. Merritt's resolutions on this ground, and he ought for the same reason to oppose these.³⁷

MR. H. SHERWOOD supported it, but would not object to its postponement, as proposed by the hon. Inspector General. He had no confidence in the absolute reliance upon abstract principles³⁸ of free trade or protection,³⁹ which many members profess, believing that they are not applicable in the present helpless condition of this province.⁴⁰ [He] contended that the colony was reduced to the condition of a miserable puny little state ... England caring nothing for her colonies; the United States refusing our request, and laughing at our threats.⁴¹ Our course should be to do the best we can for ourselves, seeing that there is at present no chance whatever of obtaining reciprocity from the United States. There is no chance whatever of our being rescued from our present difficulties, without the direct interference [sic] of England. If this interference be not afforded⁴² [and] caused people to cry out for annexation now, the inertness of the Government would soon make five hundred annexationists for every one who now existed⁴³ in this country. That which he looked forward to as the end most to be desired is a federal union of the British American provinces, which would identify our interests with those of Nova Scotia, New Brunswick, &c., and raise us to a position which cannot be achieved in any other way.⁴⁴ A federation of the North American Provinces [sic] ... would form a state that would possess real power, such as would make itself respected both in England and the United States. Though nominally dependent on Great Britain, we were really independent. We possessed no favour, for even the troop [sic] were about to be withdrawn. Instead then of a railway convention⁴⁵ let the other provinces be invited to send representatives to meet the Governor General,

and to discuss the terms on which a federation can be based and carried on. Let such a federation be formed--and let the people be allowed to have the right to elect their different officers, to as full an extent as may be resolved upon--and we shall then be relieved from the humiliating necessity of supplicating at Washington or London for concessions to which we are in justice fully entitled.⁴⁶

MR. INSP. GEN. HINCKS, with reference to the remarks of Mr. Sherwood, stated, that he⁴⁷ was unable to discover what commercial advantages would be conferred on Canada by the federation proposed by the member for Toronto⁴⁸ [and] did not believe that a confederation of the Provinces would put us in any better position than we were; and he⁴⁹ could not allow the declaration that Canada is in a miserable, helpless position, to pass as patent, believing as he did that the Province now enjoys as large a measure of prosperity as is enjoyed by any other part of the world⁵⁰ and did not think there was any need for the devising of new constitutions to put it in a better [position]. He ridiculed the idea of the Americans building a canal if the Welland Canal were closed; he said it was ridiculous and preposterous, and out of all probability. Hon. members were too fond of representing the helplessness of Canada, and its inability to inflict serious injury upon the trade of Americans. He repeated the objections he had made on a previous evening to the resolutions of Mr. Merritt, and thought that these resolutions had no chance. Mr. Cayley's might have some chance. As to what Mr. Sherwood had said of the neglect of the colonies by the Mother Country,⁵¹ we have no right, and no reasonable pretence, to ask the people of Great Britain to submit to a tax on food, for the benefit of the Canadian people, who are, as a whole, in much better circumstances⁵². It should be considered that whenever we asked for pecuniary aid from that country, we were asking money from people infinitely worse off than ourselves.⁵³ But if the Imperial Government think proper to impose duties on corn for their own benefit, we may ask of them as a favour that they will not impose those duties on Colonial products. So with regard to Imperial troops; we have no right to expect that the troops shall come here to perform duties for our protection as a police force. We ought to be able to protect ourselves; and it is, for the Imperial Government to send troops to such convenient places as they may fix upon, and only for the protection of the Province as a part of the British Empire. In conclusion, the hon. gentleman asked the member for Huron to postpone the present motion.⁵⁴

MR. CAYLEY consented, and the motion was postponed until the 23d inst.⁵⁵

SIR A. MACNAB, alluding to Mr. Sherwood's remarks in reference to a federal union, expressed his inability to perceive the advantages which would follow such an union; but suggested that⁵⁶ if the hon. member ... was disposed to bring the Federal Union of the Provinces before the House, it would be well he should print his resolutions as early as possible⁵⁷; in order to [allow] their discussion by the newspapers, preliminary to discussion by the House.⁵⁸

(73)

On motion of the Honorable Mr. Cayley, seconded by the Honorable Mr. Badgley, Ordered, That the Debate be adjourned until Monday the twenty-third instant.

Message from
the Council.

*A Message from the Legislative Council, by John
Fennings Taylor, Esquire, one of the Masters in
Chancery:--*

Presentation of
Joint Addresses.

Mr. Speaker,

*The Legislative Council desire a further Conference
with this House, on the subject matter of the Message of
the Legislative Council of the fourth June instant, relative to the Addresses of
both Houses on the subject of the repeal of the Duty on Foreign Timber imported*

into Great Britain; and the Managers on the part of their House are to be the Honorable Messieurs de Blaquièrre and Ross, who are to meet the number of Managers on the part of this House, required by Parliamentary usage, to-morrow at four o'clock in the afternoon, in the Committee Room of the Legislative Council.

And then he withdrew.

Resolved, That this House will send an Answer to the said Message by Messengers of their own.

And the Master in Chancery was again called in; and Mr. Speaker acquainted him therewith.

And then he again withdrew.

Presentation of
Joint Addresses.

Resolved, That this House doth agree to the further Conference desired by the Honorable the Legislative Council on the subject matter of the Message of their

Honors of the fourth June, instant, relative to the Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain.

Ordered, That the Honorable Mr. Boulton, the Honorable Mr. Attorney General Baldwin, the Honorable Mr. Sherwood, and Sir Allan N. MacNab, be the Managers on the part of this House at the said further Conference.

Resolved, That the said Resolution and Order be communicated by Message to the Honorable the Legislative Council.

Ordered, That the Honorable Mr. Boulton do carry the said Message to the Legislative Council.

Bill relating to
By-laws of
Municipal
Corporations
in Upper
Canada.

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to protect parties for acts done under By-Laws of Municipal Corporations in Upper Canada, and to limit the time for quashing such By-Laws.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the nineteenth instant.

MR. H. BOULTON⁵⁹ brought in a bill to simplify the administration of Justice, and diminish Law expenses in Upper Canada.⁶⁰ [He] explained that his object in this bill was to change the present system of jurisprudence, so as to have but one Court, to be a Court both of law and Equity⁶¹; being substantially an adaptation of the code recently introduced into the State of New York.⁶² He also proposed to change and simplify the system of pleading.⁶³

MR. AT. GEN. BALDWIN without opposing the first reading of the bill expressed a strong opinion against the propriety of making any changes at present, so soon after the reorganization of the Superior Courts.⁶⁴ Only two years have elapsed since our Superior Courts were reorganized, with--so far as can be judged--highly satisfactory results. It was therefore, too much to propose an entire revolution in our legal system, introducing new machinery and even new principles. The change made by New York has been so recent that it yet wears the character of an experiment, and it would be the maddest course imaginable were we to become experimenters in the same direction, and to abandon at once a system which, as modified, has been found to work advantageously. Let us wait until the New York experiment has been fairly tried; if it [should] succeed, we shall then be able to judge of its advantages over our present system, and if desirable, to

avail ourselves of them. He would not oppose the introduction of the bill, although it was very improbable that he should be able to render it any support.⁶⁵

MR. WILSON characterized the scheme of the member for Norfolk as the wildest that had ever been brought before the house. He (Mr. W.) alluded approvingly to the changes recently made in our system, and disparagingly to the New York system which, he said, will very soon be abandoned.⁶⁶ The present forms of the Courts could not be improved, and ... any change would have the same effect as the change has had in New York--to make the proceeding more lengthy and entangled than before. Two men might certainly both tell the same story; but everybody knew how different they would tell it, and that the unlearned man would make a very long story out of a very short one, if he were allowed to do so, and so increase the expense.⁶⁷

(73)

Bill relating to
Civil Actions.

Ordered, That the Honorable Mr. Baldwin have leave to bring in a Bill to simplify the administration of Justice in Civil Actions in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the second July next.

Bill relating to
the sale of
Horses.

Ordered, That Mr. Gagy have leave to bring in a Bill to prevent fraud in the sale and exchange of Horses in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Insolvent
Debtors Act
8 Vic. c. 48,
(U.C.).

Resolved, That a Select Committee, composed of the Honorable Mr. Sherwood, Mr. Solicitor General Drummond, the Honorable Mr. Cameron of Cornwall, Mr. Smith of Frontenac, and Mr. Wilson, be appointed to enquire into and report whether, in their opinion, any al-

teration or amendment can advantageously be made in the Act 8 Vic. cap. 48, at present applicable to Upper Canada only, to meet the cases of individuals who have become insolvent, and who are without a remedy by which their affairs may be brought to a final close, in consequence of their being no Bankrupt Act in force within the Province; as well as to meet the cases of those who may become insolvent hereafter, and who cannot avail themselves of the provisions of the said Act.

Carleton Gen-
eral Protestant
Hospital Bill.

Ordered, That Mr. Malloch have leave to bring in a Bill to incorporate the County of Carleton General Protestant Hospital.

(74)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Sault Ste.
Marie Canal
Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Sault Ste. Marie Canal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. WILSON moved the first reading of a bill to abolish Imprisonment for Debt except in cases of Fraud. He made a few observations in support of the motion, of a technical nature.⁶⁸

COL. PRINCE seconded the motion.⁶⁹

<p><u>Bill relating to</u> <u>Imprisonment</u> <u>for debt, (U.C.).</u></p>	<p>(74) <u>Ordered, That Mr. Wilson have leave to bring in a Bill</u> <u>to abolish Imprisonment for Debt except in cases</u> <u>of fraud, and to render the remedy by Writs of</u> <u>Execution in Upper Canada more effectual.</u></p>
---	--

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

COL. PRINCE⁷⁰ moved for leave to bring in a bill to enable foreigners to hold grants of land in fee simple in this Province.⁷¹ [He] stated that foreigners came in hordes to this country, for this reason, that not one in a hundred could get an acre of land of his own in the countries from which they came; and second, because this is a land of true freedom, and having fled from the countries of oppression, it is unfair that they should be told, "we will sell you our land, you may pay for it, but remember you shall not go to the polling booth, you shall not hold a municipal office, until you have resided seven years amongst us." He thought that was in vulgar phraseology, a piece of humbug.⁷² Although under the law, as it stood, aliens, he believed, had the right to hold lands in this Province, still that opinion was differed from, and that by Judges who had to adjudicate upon the question. It was desirable that there should be no doubt upon this subject.⁷³ In order to provide for these, he had framed his bill so as to provide that no foreigner shall be entitled to the privileges unless he is the owner of a 40s freehold, or leases for three years of property rented at £10, and has taken the oath of allegiance. We ought not in this age to throw anything in the way of foreigners settling among us.⁷⁴ The hon. member went on to enlarge on the desirableness of encouraging Dutch, French, and other foreign emigrants, to settle among us, and exercise the right of voting at elections. There were, however, objections to too indiscriminate an admission of foreigners to the rights of British subjects; but under certain restrictions--the first of which was, the holding of land in fee simple--he thought there could be no harm. He argued that the encouragement of foreigners had done much to build up the British empire, and we might expect similar advantages here.⁷⁵ Who are afraid of an influx of Dutchmen or Germans? Certainly it is not English subjects--when it is considered that the arts which they have so much improved were brought into England by foreigners.⁷⁶ This colony had already suffered much from narrow jealousy in this respect.⁷⁷ He hoped the bill would be allowed to be printed⁷⁸ [and] become law before he went home.⁷⁹

SIR A. MACNAB seconded the motion.⁸⁰

MR. AT. GEN. BALDWIN read from the present Act, and did not think the terms at all ambiguous.⁸¹ [He] expressed some doubt as to the propriety of allowing foreigners at once to jump into all the privileges of British subjects by the mere purchase of a 40s. freehold.⁸² That was going too far, and more should be expected before foreigners have the rights given them. It was a mistake to make British citizenship too cheap. He went on to show the value that was attached to Roman and other citizenships.⁸³ He did not, however, oppose the introduction of the bill.⁸⁴

(74)

Aliens Relief
Bill.Ordered, That Mr. Prince have leave to bring in a Bill
for the further relief of Aliens.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. H. BOULTON⁸⁵ (of Toronto) moved to rescind the 70th Rule of the House with reference to the payment of fees for private bills. He made a few remarks in support of the motion. There was a rule, the 68th, which provided that all expenses of printing private bills should be defrayed by those interested, and he⁸⁶ considered it unjust that a member should be obliged to print any private measure according to the Government contracts, and pay in addition £15 to defray expenses.⁸⁷

MR. AT. GEN. LAFONTAINE objected to the motion, because Government had already made a compact with certain parties to print the bills, and if the law passed you would have them applying for compensation.⁸⁸

MR. AT. GEN. BALDWIN.--If it was a case of sufficient importance to be brought forward, the persons applying for it would secure the £20 to print the bills connected with it.⁸⁹

MR. H. BOULTON and MR. H. SHERWOOD supported the motion.⁹⁰

After a few remarks from other hon. members, MR. RICHARDS said the mere printing was a small part of the expense of the bill, and he did not think the motion should be carried.⁹¹

(74)

70th Rule of
the House.

Mr. Boulton of Toronto moved, seconded by Mr. Malloch, and the Question being put, That this House do now resolve itself into Committee to consider the expediency of rescinding the Seventieth Rule of this House; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Fergusson, Hall, Johnson, Malloch, McFarland, McLean, Meyers, Robinson, Sanborn, Sherwood of TORONTO, Smith of DURHAM, and Smith of FRONTENAC.--(14.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Cameron of CORNWALL, Cartier, Cauchon, Chauveau, Christie, DeWitt, Fortier, Gagy, Hincks, Jobin, Attorney General LaFontaine, LaTerrière, Lemieux, Solicitor General Macdonald, Mackenzie, Mongenais, Morrison, Polette, Price, Richards, Ross, Scott of TWO MOUNTAINS, and Wilson.--(25.)

So it passed in the Negative.

Medical Pro-
fession Bill,
(U.C.).

Ordered, That the Honorable Mr. Cameron of Cornwall have leave to bring in a Bill to incorporate the Medical Profession in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Officers of
Justice Salaries Act
Amendment
Bill, (U.C.).

Mr. Hall reported the Bill to amend the Act substituting Salaries for Fees in certain cases in Lower Canada; and the amendments were read and agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time on Friday next.

Cruelty to
Animals Bill.

The Order of the day for the second reading of the Bill for the prevention of Cruelty to Animals, being read;

MR. RICHARDS moved the second reading of the Bill to Prevent Cruelty to Animals. He said that he did not deem it necessary to make any remarks upon it, as it had been printed last Session, and he proposed to refer it to a Committee of the Whole.⁹²

DR. LATERRIERE did not wish to have the provisions of the Bill extended to Lower Canada.⁹³

MR. RICHARDS had no desire that they should be so.⁹⁴

(74)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Bill relating to
Fisheries in
the Gulf of
St. Lawrence.

The Order of the day for the second reading of the Bill to remove all doubts as to the right of Her Majesty's subjects in Canada carrying on the Fisheries in the Gulf of St. Lawrence to land and occupy, for the necessary purposes thereof, any unoccupied places on the North Shore or Labrador, within the limits of the Province, they may deem suitable thereto, and freely to carry on their Fisheries thereat, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Navigation
of the In-
land Waters
Bill.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Transfer of
Real Property
Bill, (U.C.).

The Order of the day for the second reading of the Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Absent Defen-
dants Bill.

The Order of the day for the second reading of the Bill to provide a remedy against absent Defendants being read;⁹⁵

MR. SANBORN moved the second reading of the bill to provide for acquiring possession of property, illegally detained in Lower Canada. He made a few explanatory remarks.⁹⁶

MR. J. CAMERON supported the Bill and held that it conferred no more power than existed in other countries.⁹⁷

[There were] a few more remarks⁹⁸.

(74)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Lumber Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for regulating the inspection and measurement of Lumber, being read;

*Mr. Laurin moved, seconded by Mr. Ross, and the Question being proposed, That the Bill be read a second time on Monday next;*⁹⁹

MR. ROSS asked for its postponement, to afford time for the consideration of petitions for and against the measure, that have been presented within the last few days.¹⁰⁰

MR. LAURIN, in compliance, moved the postponement till Monday¹⁰¹.

MR. CHRISTIE, who condemned the bill in toto, and read petitions from the merchants of Quebec, and the Quebec Board of Trade, setting forth that it is not desired by any who have a real interest in the welfare of the lumber trade; and¹⁰² expressing surprise that such a bill should be brought before the Legislature; and praying that it be rejected. He concluded by moving¹⁰³ in amendment that the bill be read a second time this day six months.¹⁰⁴

MR. LAURIN supported the original motion on the ground that the law referring to cullers was at present evaded by the employment of common labourers to assort the lumber shipped, and then pretend that it is assorted lumber.¹⁰⁵

MR. ROBINSON objected to the bill, which would render it compulsory on the lumber merchants to have their lumber inspected, instead of leaving it to their option.¹⁰⁶

MR. SOL. GEN. MACDONALD declared himself opposed to the measure, which would operate unjustly on the trade¹⁰⁷. The Bill ... [was] an attempt to fix on the lumber trade a larger tax for doing what they did not require to be done at all; and this for the mere sake of¹⁰⁸ the "cullers"¹⁰⁹, a class already amply protected.¹¹⁰

MR. SOL. GEN. DRUMMOND followed in the same order.¹¹¹

MR. CAUCHON remarked on the unusual circumstance of opposing a motion for adjournment, and on the want of courtesy which the opposition implied. He maintained the necessity of creating a higher and more vigorous standard of inspection, if Canadian lumber is to occupy a remunerative position in the English market. He supported the bill as having a useful tendency, and as just in itself.¹¹²

MR. ROSS deemed it unfair to pass a final decision on the bill, to the prejudice of the "cullers," a body of men who were as much entitled to consideration as merchants or lumber dealers. He read a petition from the "cullers," setting forth evasion of the Act, and praying its amendment. He spoke in favour of postponement, as an act of justice to the "cullers" and the public.¹¹³

COL. GUGY spoke against the bill.¹¹⁴

MR. INSP. GEN. HINCKS, while opposed to the bill as a mischievous attempt to shackle trade, would not consent to refuse the application for postponement.¹¹⁵

MR. J. SCOTT, of Bytown, declared the opposition of the Ottawa lumber merchants to the measure, and his own opposition to delay.¹¹⁶

MR. STEVENSON said a few words against the bill, which, he said, had not been read by the members generally.117

MR. AT. GEN. LAFONTAINE deduced from this assertion a valid argument for postponement.118

MR. H. BOULTON contrasted Mr. Lafontaine's teaching now with his practice on an occasion when one of his (Mr. B's.) bills was refused on a first hearing.119

Some further remarks [ensued].120

(74)

Mr. Christie moved in amendment to the Question, seconded by Mr. Scott of Bytown, That the words "on Monday next" be left out, and the words "this day six months" added instead thereof:

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Cameron of CORNWALL, Cayley, Christie, DeWitt, Gagy, Hall, Hopkins, Johnson, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Robinson, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.
--(28.)

NAYS.

Messieurs Armstrong, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, McFarland, Mongenais, Morrison, Polette, Richards, Ross, Smith of DURHAM, Smith of WENTWORTH, and Taché.--(31.)

So it passed in the Negative.

Then the main Question being put; the House divided:--And it was resolved in the Affirmative.

(75)

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Cauchon, seconded by the Honorable Mr. Boulton,
The House adjourned.

APPENDIX: 11 JUNE 1851.

[QUESTIONS AND ANSWERS RE: LAUZON SEIGNIORY.]¹²¹

MR. LEMIEUX enquired of Ministry whether Pierre Paradis, Esq., has tendered his resignation as Agent of the Seignior of Lauzon; whether his resignation has been accepted, and if so, whether another Agent will be appointed in his stead.¹²²

MR. AT. GEN. BALDWIN replied in the negative.¹²³

MR. LEMIEUX enquired of Ministry whether the Agent of the Seignior of Lauzon has been instructed to grant titles of concession to persons who have applied, or are applying for unconceded lands in the said Seignior, and on what conditions such titles have been granted; and also, why the said Agent refuses to grant titles of concession to such persons as are desirous of obtaining unconceded lands in the said Seignior?¹²⁴

MR. AT. GEN. BALDWIN said he would send to Quebec for information.¹²⁵

[QUESTION AND ANSWER RE: LICENCES TO CUT TIMBER ON CROWN LANDS.]

MR. H. BOULTON enquired of the Ministry to what persons licences to cut timber on the Crown Lands adjacent to the River Moira, have been granted, and on what terms, and whether such licenses are transferable? He went on to state facts regarding these licenses.¹²⁶

MR. COM. CR. LANDS PRICE called the hon. gentleman to order; he had risen to make enquiry, and had begun to make strictures on the proceedings of the Administration.¹²⁷

MR. H. BOULTON explained his reason.¹²⁸

MR. COM. CR. LANDS PRICE said, if he was not much mistaken, the hon. gentleman attempted to impute something wrong in the remarks he made. He was here to answer the enquiry which had been put upon the paper, and not to allude to any points the hon. gentleman may have thought proper to bring up. With regard to the persons who have licence to cut timber on these lands, he had sent down to the Crown Land Agent who had given out these licences, and the moment he gets the information he will communicate it. With regard to the items, they are the precise terms on which licences are granted all over the Province, where there is Crown timber to be cut--licences of one year, renewable at the end of each year, but subject to the purchase of the land by actual settlers, provided the application be made before the licence is renewed.¹²⁹

[MOTION RE: TIME OF HOUSE'S SITTING.]¹³⁰

MR. CHRISTIE moved, that the House do not sit, for the remainder of the season, after half-past ten o'clock in the evening.¹³¹

MR. AT. GEN. BALDWIN thought it right to have an understanding come to, so that no matter that would lead to opposition be taken up after ten o'clock. It might be proper, however, to proceed with any business that would not lead to discussion.¹³²

MR. SOL. GEN. DRUMMOND suggested that the motion should be so worded as to say that no subject should be taken up after ten o'clock without the unanimous consent of the House.¹³³

This was agreed to.¹³⁴

FOOTNOTES: 11 JUNE 1851.

1. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 12 June 1851, NORTH AMERICAN, 13 June 1851, PILOT, 19 June 1851; BRITISH COLONIST, 13 June 1851, and MONTREAL GAZETTE, 16 June 1851. BRITISH WHIG, 12 June 1851 noted the debate.
2. GLOBE, 12 June 1851.
3. BRITISH COLONIST, 13 June 1851.
4. GLOBE, 12 June 1851.
5. BRITISH COLONIST, 13 June 1851.
6. GLOBE, 12 June 1851.
7. BRITISH COLONIST, 13 June 1851.
8. GLOBE, 12 June 1851.
9. BRITISH COLONIST, 13 June 1851.
10. GLOBE, 12 June 1851.
11. BRITISH COLONIST, 13 June 1851.
12. GLOBE, 12 June 1851.
13. BRITISH COLONIST, 13 June 1851.
14. GLOBE, 12 June 1851.
15. BRITISH COLONIST, 13 June 1851.
16. GLOBE, 12 June 1851.
17. BRITISH COLONIST, 13 June 1851.
18. GLOBE, 12 June 1851.
19. BRITISH COLONIST, 13 June 1851.
20. GLOBE, 12 June 1851.
21. BRITISH COLONIST, 13 June 1851.
22. GLOBE, 12 June 1851.
23. BRITISH COLONIST, 13 June 1851.
24. GLOBE, 12 June 1851.
25. BRITISH COLONIST, 13 June 1851.
26. GLOBE, 12 June 1851.
27. IBID.
28. BRITISH COLONIST, 13 June 1851.
29. GLOBE, 12 June 1851.
30. BRITISH COLONIST, 13 June 1851.
31. GLOBE, 12 June 1851.
32. BRITISH COLONIST, 13 June 1851.
33. GLOBE, 12 June 1851.
34. BRITISH COLONIST, 13 June 1851.
35. GLOBE, 12 June 1851.
36. IBID.
37. BRITISH COLONIST, 13 June 1851.
38. GLOBE, 12 June 1851.
39. BRITISH COLONIST, 13 June 1851.
40. GLOBE, 12 June 1851.
41. BRITISH COLONIST, 13 June 1851.
42. GLOBE, 12 June 1851.
43. BRITISH COLONIST, 13 June 1851.
44. GLOBE, 12 June 1851.
45. BRITISH COLONIST, 13 June 1851.
46. GLOBE, 12 June 1851.
47. BRITISH COLONIST, 13 June 1851.
48. GLOBE, 12 June 1851.
49. BRITISH COLONIST, 13 June 1851.
50. GLOBE, 12 June 1851.

51. BRITISH COLONIST, 13 June 1851.
52. GLOBE, 12 June 1851.
53. BRITISH COLONIST, 13 June 1851.
54. GLOBE, 13 June 1851.
55. IBID.
56. IBID.
57. BRITISH COLONIST, 13 June 1851.
58. GLOBE, 12 June 1851.
59. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, and PILOT, 19 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 13 June 1851, and MONTREAL GAZETTE, 16 June 1851.
60. PILOT, 19 June 1851.
61. BRITISH COLONIST, 13 June 1851.
62. PILOT, 19 June 1851.
63. BRITISH COLONIST, 13 June 1851.
64. IBID.
65. PILOT, 19 June 1851.
66. IBID.
67. BRITISH COLONIST, 13 June 1851.
68. IBID.
69. IBID.
70. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, and PILOT, 19 June 1851. The debate was also reported by BRITISH COLONIST, 13 June 1851. The following papers noted the debate in identical accounts: MONTREAL GAZETTE, 13 June 1851, BRITISH WHIG, 13 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, and LA MINERVE, 14 June 1851.
71. BRITISH COLONIST, 13 June 1851.
72. PILOT, 19 June 1851.
73. BRITISH COLONIST, 13 June 1851.
74. PILOT, 19 June 1851.
75. BRITISH COLONIST, 13 June 1851.
76. PILOT, 19 June 1851.
77. BRITISH COLONIST, 13 June 1851.
78. PILOT, 19 June 1851.
79. BRITISH COLONIST, 13 June 1851.
80. IBID.
81. IBID.
82. PILOT, 19 June 1851.
83. BRITISH COLONIST, 13 June 1851.
84. PILOT, 19 June 1851.
85. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, and PILOT, 19 June 1851. The debate was also reported by BRITISH COLONIST, 13 June 1851.
86. BRITISH COLONIST, 13 June 1851.
87. PILOT, 19 June 1851.
88. IBID.
89. IBID.
90. IBID.
91. BRITISH COLONIST, 13 June 1851, which mistakenly reported that only four members voted in favour of the motion.
92. IBID.
93. IBID.
94. IBID.

95. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 13 June 1851, and MONTREAL GAZETTE, 16 June 1851.
96. BRITISH COLONIST, 13 June 1851.
97. IBID.
98. IBID.
99. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, PILOT, 19 June 1851; BRITISH COLONIST, 13 June 1851, and MONTREAL GAZETTE, 16 June 1851.
100. PILOT, 19 June 1851.
101. IBID.
102. IBID.
103. BRITISH COLONIST, 13 June 1851.
104. PILOT, 19 June 1851.
105. BRITISH COLONIST, 13 June 1851.
106. PILOT, 19 June 1851.
107. IBID.
108. BRITISH COLONIST, 13 June 1851.
109. PILOT, 19 June 1851.
110. BRITISH COLONIST, 13 June 1851.
111. PILOT, 19 June 1851.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, and PILOT, 19 June 1851. The debate was also reported by BRITISH COLONIST, 13 June 1851.
122. PILOT, 19 June 1851.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 June 1851, NORTH AMERICAN, 13 June 1851, and PILOT, 19 June 1851.
131. PILOT, 19 June 1851.
132. IBID.
133. IBID.
134. IBID.

THURSDAY, 12 JUNE 1851.

(75)

Bank State-
ments.

MR. Speaker laid before the House, Statements of the Affairs of the Bank of Montreal, of the Commercial Bank of Midland District, of the Quebec Bank, and of "La Banque du Peuple," on the 31st May, 1851; of the Montreal City and District Savings Bank, on the 1st January, 1851; and of the Montreal Provident and Savings Bank, on the 31st May, 1851.

Appendix (I.)

For the said Statements, see Appendix (I.)

Assurance
Companies
Statements.

Also, Statements of the Affairs of the British America Fire and Life Assurance Company, on the 27th May, 1851, and of the Kingston Fire and Marine Insurance Company, on the 6th June, 1851.

Appendix (I.)

For the said Statements, see Appendix (I.)

Road Compa-
nies State-
ments.

Also, Statements of the Affairs of the Montreal and Lachine Railroad, and of the St. Lawrence and Industry Village Railroad Companies, for the year ending 31st December, 1850; and of the Guelph and Arthur Road Company, to 1st June, 1851.

Appendix (R.)

For the said Statements, see Appendix (R.)

Academie In-
dustrielle.

Also, Report of the Corporation of l'Academie In-
dustrielle de St. Laurent:

Soeurs de Ste.
Croix.

Report of the Corporation of La Communauté des
Soeurs de Ste. Croix of the Parish of St. Laurent:

Toronto
Hospital.

Statement of the Affairs of the Toronto Hospital,
on 1st June, 1851:

Montreal Fire-
men's Benevo-
lent Associa-
tion.

Statement of the Funds belonging to the Montreal
Firemen's Benevolent Association, to 31st January, 1851.

Appendix (S.)

For the said Reports and Statements, see Appendix
(S.)

Montreal Me-
chanics' Insti-
tute.

And also, Statement of the Real and Personal Estate
held by the Mechanics' Institute of Montreal.

Appendix (K.)

For the said Statement, see Appendix (K.)

Petitions brought
up.

The following Petitions were severally brought up,
and laid on the table:--

By Mr. Bouthillier,--The Petition of the Reverend
L.M.A. Archambault and others, of the Parish of St. Hugues, County of St. Hyacinthe.
By the Honorable Mr. Badgley,--The Petition of the Church Society of the
Diocese of Quebec.

By Mr. Smith of Wentworth,--The Petition of the Municipality of the Township
of Glanford, County of Wentworth.

By Mr. Cartier,--The Petition of Dame Marie Louise Lepellé Mezières, Superior,
and other Ladies, Religious Hospitallers of St. Joseph of the Hôtel-Dieu of
Montreal; and the Petition of A. Gérin-Lajoie, of Montreal, Esquire.

By Mr. Dumas,--The Petition of the Right Reverend the Roman Catholic Bishop

of Montreal and others, the Directors of the Seminary of Ste. Thérèse de Blainville.

By Mr. Jobin,--The Petition of Sister Ste. Elizabeth, Superior, and other Ladies of the Religious Community of the Congregation de Notre Dame at Montreal.

By Mr. Cauchon,--The Petition of the Municipal Council of the 2nd Division of the County of Montmorency; and the Petition of N. LaRue, Esquire, and others, of St. Laurent, and other Parishes in the 2nd Division of the County of Montmorency.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of P. Filiatrault and others, of the Parish of Ste. Thérèse; praying for the passing of an Act to promote the construction of a Northern Branch Railway by the line of the Ottawa River, to connect the Cities of Montreal and Kingston.

Of the Reverend E. Chabot and others, of the Parishes of Bécancour, Ste. Gertrude, and other places in the District of Three Rivers; of U. Beliveau, Esquire, and others, of the Townships of Arthabaska, Chester, and Warwick; and of B. Lasalle and others, of the Town of Three Rivers; praying aid to open a Road in the Township of Maddington.

Of F. Royer and others, of the Town of Three Rivers; praying aid for the construction of Slides on the River St. Maurice.

Of the Bar of Lower Canada, Section of the District of Three Rivers; praying the repeal of the enactment conferring power upon the Judges of the Superior Court to establish, alter and amend the Tariffs, and that the said power be conferred upon the Bar of Lower Canada.

Of the Reverend S.S. Wood, A.M., and others, on behalf of the Three Rivers Academy; praying an annual grant in aid thereof.

Of James Fearnès and others, of the Town of Three Rivers; praying aid for the construction of Piles to prevent the inundation of the said Town and Parishes adjacent thereto, by the breaking up of the ice on the St. Lawrence in the spring seasons.

Of J.E. Dumoulin and V. Guillet, Esquires, President, and Secretary, on behalf of the Board of Notaries of Three Rivers; praying for the passing of an Act to allow the admission of Students who have neglected to file their Articles of Indenture in the office of the said Board, notwithstanding such neglect, and for certain other amendments to the Law which regulates the said Profession in Lower Canada.

Of the Reverend F. Boissonault and others, of the Parish of St. Jean Port Joli, County of L'Islet; praying aid to complete a Road from the said Parish to the Province Line.

Of the Municipal Council of the Municipality Number One of the County of Rimouski; praying a division of the said County for all purposes whatsoever.

Of the Reverend G. Nadeau and others, of the Parish of Ste. Luce, County of Rimouski; praying aid for the construction of a Wharf or Quay at Pointe aux Pères, and that a survey be made with reference thereto.

Of O. Grégoire, Esquire, and others, of the Parish of St. Nicolas, County of Rimouski; praying the repeal of so much of the Act incorporating the City of Quebec as gives to the Corporation thereof power to impose a tax upon the Agricultural productions when taken to the markets of the said City.

Of the Municipal Council of the United Counties of Prescott and Russell; praying the passing of an Act to extend the time limited by the Act 12 Vic. cap. 31, commonly called the Land Act.

Territorial Divisions,
(U.C.).

Ordered, That the Petition of John Boyes and others, of Amherst Island, be referred to the Committee of the whole House on the Bill to make certain alter-

ations in the Territorial Divisions of Upper Canada.

(76)

Hamilton
Court House
Square.

Mr. Smith of Wentworth, from the Select Committee to which was referred the Petition of the Municipal Council of the United Counties of Wentworth and Halton, presented to the House the Report of the Committee;

which was read, as followeth:--

Your Committee have examined the Petition referred to them, praying for authority to dispose of a part of the Court House Square in the City of Hamilton, the proceeds to be applied to the purchase of other ground, and to the erection thereon of a Gaol suited to the wants of the United Counties of Wentworth and Hamilton, and have agreed to recommend to the favorable consideration of Your Honorable House, the prayer thereof, and the passage of a Bill for that purpose.

Petitions
referred.

Ordered, That the Petition of Andrew Thompson, of the Township of Woodhouse, County of Norfolk; the Petition of F.C.T. Arnoldi, Esquire, M.D., and others, Lecturers in the St. Lawrence School of Medicine of the City of Montreal; the Petition of Allan Macdonell, and others; the Petition of the Mayor and Councillors of the City of Quebec, for amendments to the Water Works Acts 10 Vic. cap. 113, and 13 & 14 Vic. cap. 100; and the Petition of the Mayor and Councillors of the City of Quebec, relating to arrears of Taxes, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of P. Filiatrault and others, of the Parish of Ste. Thérèse, be referred to the Standing Committee on Railroads and Telegraph Lines.

Presentation of
Joint Addresses.

The Honorable Mr. Boulton reported, That the Managers appointed for conducting the further Conference desired by the Legislative Council on the subject matter of the Message of their Honors of the fourth June instant, relative to the Addresses of both Houses on the subject of the repeal of the Duty on Foreign Timber imported into Great Britain, had met the Legislative Council at the Conference; and that their Honors had delivered to the Managers their Reasons for disagreeing to the Reasons offered by this House at the former Conference upon that Message, which are as follow:--

1st. Because on reference to the Journals of the House of Commons (those of the House of Lords being unfortunately no longer within the reach of this House,) it appears that the practice of the Imperial Parliament with respect to the presentation of Joint Addresses otherwise than by both Houses in a body, has not invariably been to have them presented by two Peers and four Members of the House of Commons, irrespective of their official position, or of their connexion with the Government of the day, as is assumed by the Legislative Assembly.

2nd. Because, on the contrary, such Joint Addresses when not presented by both Houses in a body, appear to have been presented, in England, either by the Lord Chancellor and the Speaker of the House of Commons only, or by a Joint Committee of both Houses, the number of the Members of the House of Commons being always double that of the Peers on such Joint Committee.

3rd. Because before the Revolution in 1688, such Joint Committees appeared to have consisted of three, six, nine or twelve Peers, and a proportionate number of Members of the House of Commons, and it is only since that period that the numbers have been reduced to two Peers and four Members of the House of Commons.

4th. Because in a majority of the instances in which such limited Joint Committees have been appointed by the Houses of Lords and Commons in England

since the Revolution aforesaid, and particularly in the very last of such instances, two Ministers of the Crown, designated by the titles of their offices, have been appointed by the House of Lords to form part of such Joint Committees; and even in those instances in which two Peers have been designated by name for that purpose, this House has no means of ascertaining whether they were selected with or without reference to their connexion with the Government of the day.

5th. Because the practice of the Canadian Parliament, since the establishment of Responsible Government in this Province, has invariably been in substance, if not in form, similar to that which has been adopted as aforesaid by the Imperial Government in a majority of instances since the Revolution.

6th. Because so far from the practice contended for by the Legislative Assembly having been departed from here in three instances only, besides the case referred to, by appointing the Members of the Executive Government in each House to present such Addresses, such Members have been appointed for that purpose in eight out of the ten instances in which such Addresses have been presented otherwise than by both Houses in a body since the Union of the Provinces.

7th. Because the other two instances occurred during the first Session of the first Parliament, when the Executive Council was not necessarily composed of Members of either House, and in one of those instances the Address was presented by the Speakers of both Houses only--so that there is only one case, and that occurring in circumstances which no longer exist, that can be referred to as establishing the practice of presenting such Addresses by two Legislative Councillors and four Members of the Legislative Assembly; while there are nine instances of departure from such supposed practice, and in eight of these the course pursued has been similar to that of which the Legislative Assembly now complain.

8th. Because in communicating their concurrence in the Address of the Legislative Assembly upon the said subject, the Legislative Council did not depart, as it is to be inferred from the first and second of the Reasons offered by the Legislative Assembly that they are charged with having done, from the practice and usage pursued by Parliament in England in cases of Joint Addresses to the Sovereign, as respects filling up the blank in such Address, and returning a Message acquainting the Legislative Assembly with their concurrence, and that the blank had been filled up.

9th. Because although the course pursued by the Legislative Council in the case referred to, was in strict accordance with usage and practice in this Province, and not materially opposed to the modern practice in England, the Legislative Council will be at all times prepared to give an attentive consideration to any Reasons which may be offered by the Legislative Assembly for pursuing a different course in future.¹

A discussion of an hour and a half in length, took place².

(76)

Presentation of
Joint Addresses.

Resolved, That the Reasons of the Legislative Council delivered at the Conference, held this day, by the Managers on the part of their Honors, to the Man-

agers appointed by this House relative to the Message of the Legislative Council of the fourth instant, respecting the Joint Address of both Houses on the subject of Duties on Foreign Timber,--and also, the Reasons communicated from this House to the Legislative Council at the former Conference on the same subject, be referred to a Select Committee, composed of the Honorable Mr. Boulton, Sir Allan N. MacNab, the Honorable Mr. Sherwood, and the Honorable Mr. Attorney General Baldwin, with an Instruction to search for precedents, and to report also

(77)

their opinions to this House.

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Stipendiary
Magistrates.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Tabular Return of the Stipendiary Magistrates appointed by the Government in this Province, shewing the date of their respective appointments, the salaries and other emoluments received by each, the authority under which they have been respectively appointed, and the fund or other source whence their salaries and emoluments are paid.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Distribution of
the Laws Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to repeal the Act providing for the distribution of the printed copies of the Provincial Statutes, and to make better provision for the distribution thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Polette, seconded by Mr. Guillet,

Scaling of the
River St. Maurice.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, Copies of the field books, diaries, field notes, and other papers and documents mentioned in the Reports of the scaling of the River St. Maurice, by Hilarion Legendre, sworn Surveyor, from 15th April, to 2nd May, 1847, and by John Bignell, Provincial Surveyor, on the 26th August, 1847, 11th May, 1848, and 13th November, 1848, and accompanying the said Reports; which said Reports and the instructions for scaling the said River St. Maurice, and the Map or Plan of the said River, were laid before this House on the 8th August last.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Lessors and
Lessees Bill,
(L.C.).

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend the Act to regulate the exercise of certain rights of Lessors and Lessees in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Recusation of
Judges Bill.

Ordered, That Mr. Lemieux have leave to bring in a Bill to allow the recusation of Judges who are Seigniors, in cases where Seigniorial rights are called in

question.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to
the opening of
Township
Lines, (U.C.).

Ordered, That Mr. Mackenzie have leave to bring in a Bill to enable the Municipal Councils in Upper Canada to apply Township Statute Labor to the opening and improvement of Township Lines.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Christie, seconded by the Honorable Mr. Badgley,

Provincial
Statutes.

Ordered, That it be an Instruction to the Standing Committee on Printing, to make enquiry into and report to this House the cause of the delay in the printing and circulating of the Statutes at the close of a Session; and also, whether it would be expedient to alter the present form and distribution of the same.

Montreal
Marine Mutual
Insurance
Company Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the Marine Mutual Insurance Company of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Physic and
Surgery Law
Amendment
Bill, (L.C.).

Ordered, That the Honorable Mr. LaTerrière have leave to bring in a Bill further to amend the Law relative to the practice of Physic, Surgery, and Midwifery, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

St. Louis de
Lotbinière
Parish Regis-
ters Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to remedy as far as possible the inconvenience which might otherwise arise from the destruction of the Registers of the Parish of St. Louis de Lotbinière.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Assembling of
Parliament
Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to provide for the more convenient assembling of Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Library Asso-
ciations and
Mechanics' In-
stitutes Bill.

Ordered, That Mr. Bell have leave to bring in a Bill to provide for the incorporation and better management of Library Associations and Mechanics' Institutes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Division Line
Bill.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Bill relating to
real property
illegally de-
tained.

*The Order of the day for the second reading of the Bill to provide a more summary and less expensive process for proprietors of real property in Lower Canada to acquire the possession thereof when illegally detained from them in certain cases, being read;*³

MR. SANBORN moved the second reading of a Bill to provide for possession of property illegally detained in Lower Canada. He explained that the object of the Bill was to allow the proprietors of real property, unjustly detained, to apply to a Magistrate to put him into possession, and to give the magistrate power to do so. If, however, the question of title came up, the defendant would be allowed to evoke the cause into the Supreme Court upon giving security.⁴

MESSRS. CHABOT and CARTIER opposed the Bill as introducing a new and objectionable practice, without making any real change in Lower Canada.⁵

MR. CARTIER was under the necessity of opposing the measure. If any thing is perfect in Lower Canada it is the right of property, and the law to obtain possession of it when it had been illegally detained. There were two sorts of action in Lower Canada, by which property could be got back when a proprietor has been dispossessed of it. This law would bring our system of laws into confusion. The intention of the measure before the House was to give a remedy, which it is said is needed but it would tend in a majority of cases to inflict an injury upon the poor litigant.⁶

MR. SANBORN explained the nature of the law, and the necessity of it in certain cases, where, under the present law, proprietors are often placed under a great hardship, and paid more for the recovery of property illegally detained than the whole value of it.⁷

COL. GUGY supported it as necessary in a new country like the Eastern Townships, where there were many squatters: and where the land squatted on was often of so little value that the proprietors would not venture upon the expense of a suit in the Superior Courts against Defendants from whom they could recover no costs, if they were successful.⁸

MR. SOL. GEN. DRUMMOND said that an evil existed, and if a remedy could be applied no honourable member should hesitate to adopt it. The bill so far as he had examined it, did not by any means violate any of the present laws. It might not be needed in more settled places, but in thirty settled portions of the country where a proprietor may have property worth from £30 to £40, if settled upon by any person, he could not properly eject that individual from the fact that, by the existing law it would cost more than the property was worth. He trusted the bill would be read a second time. It was quite evident that the hon. gentleman could have no private interest in the bill, and as it was brought forward to provide a remedy against an existing evil, it ought to be received.⁹

COL. PRINCE was delighted to find that such a bill had been received into the House. It is a sound and good bill. The law of Lower Canada, as applicable to real property, requires amendment, and also, the law regarding property in Upper Canada. It was intended to prevent the vast expenses incurred in Courts of Common Law to give possession of property wrongfully withheld. Since the Union he had studied the law of Lower Canada, both as regards real estate and personal estate. He referred to the trial by jury as instituted by Erskine, when Lord Chancellor. He was wedded to the principle of trial by jury when studying law, but he now did not believe that the trial by jury worked so very well in civil laws. From what he had studied of Lower Canada law, he was convinced that their system of deciding civil cases is as far superior to ours, as

our mode of deciding criminal cases is superior to theirs. He made some rather humorous allusions to the law of Lower Canada, and showed that the bill introduced provided a summary, simple and cheap mode of gaining their rights, dishonestly obtained, and should form the model of a similar bill for Upper Canada, which ought unquestionably be passed. He hoped some hon. and learned member would, before the session was over, introduce a similar bill for Upper Canada. He passed a very high eulogium on farming as being far superior to the study of law, divinity, or commerce. He wished to repeat before sitting down that our criminal law is superior to any thing in the world; but the law of Lower Canada is far superior to the Upper Canada law for the recovery of just claims in civil courts. He would therefore support the bill.¹⁰

(77)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sanborn, Mr. Solicitor General Drummond, the Honorable Mr. Badgley, Mr. Dumas, and Mr. Gagy, to report thereon with all convenient speed; with power to send for persons, papers, and records.

(78)

Conciliation
Courts Bill,
(U.C.).

The Order of the day for the second reading of the Bill to establish Courts of Conciliation in Upper Canada, being read; 11

MR. MACKENZIE moved the second reading of the bill to establish Conciliation Courts. He said there are two different modes of settling¹² quarrels or¹³ disputed cases, the one called litigation, the other conciliation¹⁴. He enlarged upon the necessity of some such means of settling disputes between individuals without going to law, as the effect of this was to give the spoils to the lawyers, and leave bad feeling between the litigants.¹⁵ Conciliation courts, if they did any business at all, would operate only by diminishing law-suits.--He would ask, whether a tribunal which settled a controversy and determination of a law-suit of many years' duration, at a very heavy, perhaps a ruinous expense, is likely to settle the matter in dispute more satisfactorily to either party than a tribunal that begins at the beginning, and produces a settlement at a far less sacrifice of time, trouble, and expense? Let any lawyer of extensive practice tell, if he so choose, how many of his unsuccessful clients had ever been satisfied with their defeat, even after enjoying the luxury and expense of years of exciting and harrassing litigation? His (Mr. M's) object was to establish legal machinery by which lawyers would be paid to prevent law-suits, not to encourage them. He meant to give their powers a new and better direction. Twenty-one years since he had been a warm advocate for the passage of a bill of this sort, and had voted for a bill intituled "an act to provide good understanding among neighbours, and to lessen the number of expensive law-suits by establishing courts of passification." Of members present, the Inspector General (Baldwin) was the only one who voted against the measure and the hon. gentleman from Haldimand himself the only two who voted for it; it passed; and the country would have had twenty-one years experience of the effects of a law to repress litigation had not the corporation of practicing lawyers in the Legislative Council stifled it.¹⁶ In order to give the Assembly a tangible definition of the term litigation, he darted off to the burning sands of India, where it would appear¹⁷ a traveller ... discovered two men violently striving with each other¹⁸ for a treasure,--a pair of magic slippers and a magic goblet.¹⁹ "Why do you strive thus?" said he. "To obtain a golden goblet that possesses the power of turning any liquid into a delicious nectar and a pair of slippers which enables the wearer to walk in the air," was the reply.²⁰ Such a treasure was worth fighting for.--²¹ There lay the prizes on the sand beside them and²² instead, however, of waiting the issue of the struggle, the gentleman remonstrated

with the combatants, and²³ gravely suggested that they had better run a race to the next palm tree, and he of the two who reached it first should be the winner. They agreed to this; the race was run; the victor returned to claim his prize; but behold! there was Mr. Traveller with the goblet under his arm performing his girations over their heads in the air, far beyond their reach, by the aid of the enchanted slippers.--²⁴ This he (Mr. McK.) considered an exact simile of litigation, the two parties contend for their right, while the gentlemen of the law step in and every thing is swept into their pockets.²⁵ How often had the moral of this tale been shown in the law advisers of men contending about wealth and property bearing off the prizes contended for, while the angry disputants themselves were left to mourn their own obstinacy? How often had estates been wasted in law, and the mere advisors of the contest borne off the spoils?²⁶ The plan of settling cases by Conciliation would in a great measure, he thought, stop that.²⁷ Was it not worth while even to attempt to lessen the number of such cases? The machinery he proposed to legalize differed from that in use in Norway, in that he had not introduced a jury of neighbours to advise the parties contending; it differed from that in use in France, chiefly in its restrictions.²⁸ He then referred to the settling of cases by lot, and considered that the Rev. Matthew Henry's remarks on that point were correct, that the lot was the Scriptural mode of settling difficulties.... He considered that ... the majority of cases ... would be more justly decided than by the present system. He then referred to the remarks of Dean Swift, made, he believed, when the Dean was quite sane, that the Court of Chancery was a bottomless pit. He concurred with the worthy Dean's remarks, it appeared to him at least that they might be better employed. In order to provide against so much litigation he had brought forward his bill²⁹. He had not ventured to apply it at once to accounts, debt, &c., desiring rather in the first instance to try its effects in cases of assault, battery, libel, slander, malicious prosecution,³⁰ breach of promise of marriage,³¹ and personal violence; in controversies having their origin in passion; excitement; and misapprehension; and when the people of Upper Canada had seen how easy reconciliation [*sic*] was in one class of cases, he hoped they would demand the extension of this excellent tribunal to other classes, and thus turn our best and ablest lawyers into peacemakers.³² There were hundreds of cases where if parties go to law with them they only create mischief; all these he proposed to settle by some competent man in a quiet way.³³ His bill proposed to establish the ... court in each county--to employ the county Judge of that court, without additional remuneration, at first, because his duty would not be much more laborious; to enable complainants to send a notice to those they complained of, and the cost of this notice to be the only expense any one would have to pay; the Judge would see the parties in a private room, apart from all others, hear their statements, tell them their rights, and try to reconcile their differences; there should be no oaths, no witnesses, no hired lawyers, or ... agents, no bills of cost, no delay beyond 15 days; and all decisions, when consented to, should be final, and if the one party agree to perform a certain agreement or pay a certain sum to the other, or to a third party, a memorandum filed in the county court, might be enforced like any other judgment. He would allow the Judge to decide according to conscience, and thus get rid of precedents and technical rules; there would be no fees; if the parties left the case to the Judge, as Umpire, his award to be final. If a party notified to attend did not do so, he should have no costs in any action of law afterwards; if differences happened between parties, or between principal and agent, the party who had offered to arbitrate would not afterwards be liable to costs in an action at law--he would bar all appeals from arbitrations to the court of chancery ... evidence paper exhibited, or admission of a party in the conciliation court would he allow to be referred to elsewhere.³⁴ He proposed that the law should last three years, and if it was found to do well,

the time might be extended; if not it could then be abrogated.³⁵ In Holland, when people are about to enter upon a law suit, they must first go before the peace-makers--if they bring lawyers with them, the reconciling judges send them away, as we take off wood from the fire we wish to extinguish; if the parties are too much in a passion to hear reason, the judges adjourn the case for a few days, and if a second attempt fails to mitigate the symptoms, they are then allowed to go to court. In New York State, the commissioners of the code have copied the French plan, under which, in 1846, in France, 985,123 cases were brought for conciliation, of which the magistrate settled 726,556 without law process. The present constitution of New York State has a section thus:

"Tribunals of conciliation may be established with such powers and duties as may ... by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or sent thereto in the presence of such tribunal, in such cases as should be prescribed."

Such, however, is the aversion of the practicing lawyers, and such their influence over legislation, that from 1847 till now they had successfully prevented the experiment of conciliation from being adopted by the legislature altho' successive governors had urged its adoption. Governor Fish, in his message to the legislature of New York, January, 1849, thus alluding to conciliation:

"Courts of this nature, although unknown among us, have been long in operation in other countries, and are represented to have been productive of great benefits by the prevention of litigation. The power of such tribunals being simply advisory, except so far as parties may voluntarily agree to their decisions, can scarcely produce an influence over a reasoning and ... people, in preventing lawsuits, ... to commend their establishment as a part of the system which the constitution has...."³⁶

He then referred to a bill of a similar nature having been brought in, in 1830, and passed the House; but it was sent to that grave of all legislation--the Legislative Council, where it never was again heard of. He referred to Lord Brougham as being in favour of Conciliation Courts, and also to Sidney Smith, one of the most able and amiable men that ever lived, as being in favour of the system.³⁷ Lord Brougham resides much in France, and he strongly recommends these courts--so does Senator Benton in an address to the Californians--as [did that] humane and far seeing man, Rev. Sydney Smith--so did that astute and experienced lawyer Daniel O'Connell--so does the Edinburgh Review, in its review of Danish institutions³⁸. He then referred to the effects of Conciliation Courts in Denmark, where out of 31,338 cases which came before the Judges, 21,512 were settled. It had been said that "blessed are the peacemakers," and he fully believed that the men who could in a quiet and a peaceable way settle 20,000 cases were deserving the gratitude of their country.³⁹ Baird, in his travels in the north of Europe [recommends conciliation courts]--and the British West Indies conciliation courts prevent thousands of law suits. They prevent exposures of human frailty, and it is well known that the law delays in important cases increase expense and anxiety of mind, unsettle men's plans of life, give to the rich and unjust, an ... advantage over the humble, and are very unfavorable to the administration of justice. Witnesses often remove or die, or their memory fails as to facts through the lapse of years. He had not proposed any thing original--but merely copied, with little variation, the outlines of a system long successful in France and much desired in America. Surely they would admit the principle, that conciliation is better than litigation--better,

for the people at least--and if they admitted this, they would not throw his bill out at once, but hear it read, and then allow it to be referred to a committee to make the details more perfect, thus giving conciliation a trial, as it would cost the country nothing. He feared, however, that in a house of 47 lawyers any attempt to mitigate burthens pressing more heavily on those least able to bear them would meet with no favour, although it would be difficult to show why strife and disunion would not be prevented by interposing between inflamed parties in the kindly offices of learned and discreet magistrates such as a county judge is or ought to be. Ample means are provided in Upper Canada to decide law suits when they have arisen--why not try one way at least to prevent their....?⁴⁰ He then went on to explain the working of the measure by stating that when a party has been aggrieved he takes out a notification and gets it served upon the aggressor, who, before the expiry of five days, must appear before the pacification judge. They then go into a private room where, after hearing both sides, the Judge advises with them as a father what they should do. That was the place where lawyers [*sic*] ought to stand; lawyers [*sic*], he considered, ought to stand at the top of creation, ready to advance the interests of society as far as the frailties of our nature would admit. If the Judge failed to reconcile the parties, they still have it in their power to go to law, but they must get a certificate that they have appeared before him. One provision, however, was made in such cases, that no word that was uttered before the judge, be taken as evidence in a court of Law. If they go to law, they go the same as if they had given no evidence whatever. He then referred to Daniel O'Connell establishing conciliation courts⁴¹. But even the great O'Connell could not escape opprobrium, and the anger of his confreres, the lawyers, for advising the Irish people not to go to law,⁴² a crime for which even he could not be pardoned, and a charge of conspiracy was bro't against him⁴³ for which he had been put in the Penitentiary⁴⁴. The hon. member took his usual excursive rambles. He led the House from California, where such courts were established, to England and Ireland, where some of the greatest minds had decided as to their desirableness, thence to Egypt, back again to Belgium and Denmark and a variety of other countries, remarking, at some length on the French law of 1791, founded upon the old Roman Law, the same as that on which the Common law of Scotland is founded.⁴⁵ Quakers do not go to law with one another; christians ought not to do it. No command in the New Testament is more plain or clear than that which forbids Christ's followers to go to law with each other⁴⁶. He quoted from St. Paul's epistle to the Corinthians, 6 and 7, in favor of settling disputes by conciliation.⁴⁷ Nor did he (Mr. Mackenzie) remember ever having brought an action, either for debt or any thing else, against any one in the whole course of his life, except in a solitary instance many years since. We cannot invent a more tedious, harrassing, and costly mode of settling disputes than the complicated one in use; why, then prevent the people from having the advantages of a change which could not possibly be for the worse, and might be for the better?⁴⁸ There were to be no fees levied by the Judges. The judge was to be a kind of Chancellor and was not to stop because a man spelled Peter with two t's instead of one. He continued at great length to cite authorities in favour of his scheme, and to dilate upon the virtue of equity, as being preferable to the vexations and expensive technicalities of common law.⁴⁹ In allusion to the audible remarks which some members were making while he was speaking, he said, he saw how easy it was for some members to lose their tempers, and he pitied them for it. He then passed a very high eulogium on the new Division Court Bill, as being next best to conciliation, and having alluded to the will of General Washington, concluded by moving the second reading of his Bill, hoping that if there were any errors in it, the House, instead of throwing it out for these, would point them out, that they might be remedied, as such a Bill was desired by the country.⁵⁰

(78)

Mr. Mackenzie moved, seconded by Mr. DeWitt, and the Question being proposed, That the Bill be now read a second time;

MR. H. SMITH, of Frontenac, said the hon. member for Haldimand had a strong aversion to lawyers and the legal profession,⁵¹ and for this aversion there might be a reason. If his memory served him right the hon. member had in 1827 left his country for fear of the legal profession, in order to escape imprisonment for debt, and also in 1837.⁵² He (Mr. S.) then went into a tirade about 1837 treason⁵³. By the lawyers, also he had been twice brought back to curse this country; in 1827, it was by bringing an action for his press and types.⁵⁴ If it had not been for the legal profession that brought him back to this country, he would not be here now cursing this country as he does at present. This great lion of '27 and '37 is the lion of the present day, and he has come back to give us law reform, and must needs read us a lecture. The whole of his bill he had copied from the book he (Mr. S.) held in his hand; and were it introduced it would upset our whole system. He could well understand the aversion of that gentleman to the legal profession, who although £1000 was offered for him it could not keep him here. It was the terror of the law that induced him to keep out of the country, and it was a lucky thing for him that he did keep away--for God help him if the Lawyers had got him then.⁵⁵ He (Mr. S.) did not wonder the hon. member had an aversion to lawyers, but as a lawyer he was proud that⁵⁶ there was no member of the legal profession who had violated his oath by treason.⁵⁷

MR. MORIN the SPEAKER here interfered, and called the hon. member to order.⁵⁸

MR. H. SMITH said he did not allude to the member for Haldimand. (Hear, hear, and laughter.)⁵⁹ He went on to ridicule the Bill, and to show that it was absurd⁶⁰. He said the hon. gentleman had been quoting from the Conciliation Courts of France⁶¹. He did not believe the hon. member knew anything about the Conciliation Courts of France, that he had been talking about. They were by no means analogous to the Conciliation Courts the hon. member wanted to establish, but were only for the collection of small debts⁶² under a certain amount. When he speaks of so many as 180,000 cases being determined by Conciliation Courts, does he mean to tell as they are cases of assault and battery, and breaches of promise of marriage that this bill is prepared for. No. These grievances were not tried and determined by such courts. The hon. member has been in the United States 10 or 12 years, and because some person there has given him a present of a book upon Conciliation Courts, he supposes we are upon his authority to banish all our Courts, and adopt Courts of Conciliation. The bill he considered as absurd from beginning to end. He (Mr. Mackenzie) has not brains of his own to make a bill, and he has taken other people's brains. There is some originality about it. The hon. member could not hide his aversion to the lawyers, and he has put in his bill that parties must not appear before the Judge by Attorneys. If the bill was introduced it would remain upon the Statute book as a dead letter, for it never could be carried out. It would be impossible to bring parties before the Judge⁶³, and here was a fatal objection on the very threshold. He went on to condemn the Bill in detail, and said that with such powers as the Court would have conferred upon it, there would be no use of it at all. In the cases contemplated by the bill, why not go before a friend, and why trouble the judge at all?⁶⁴ He then went on to condemn the bill, and wondered if the hon. member supposed that by so absurd a scheme⁶⁵ with a crude bill like that copied from a Yankee book, that he was going to overturn all the constitutions of the country?⁶⁶ The plan had only been recently adopted there, and he did not know what the next plan might be. However good the intentions of the hon. member may have been, the bill, although carried into law, would be utterly useless; he was convinced it was introduced for the purpose of bunkum, he was not prepared to abolish all

the institutions of the country.⁶⁷ The whole codification of the American laws had been a failure; and he predicted its abolition and a return to the old system. He went into a defence of the lawyers who, he said, came to parliament for the good of their country, and at great personal sacrifice⁶⁸. He professed to be a Conservative, and always had been so, and he was prepared to meet this measure as he would all of a similar class, and would move that it be read a second time this day six months.⁶⁹

MR. H. SHERWOOD seconded the motion.⁷⁰

(78)

Mr. Smith of Frontenac moved in amendment to the Question, seconded by the Honorable Mr. Sherwood, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. SOL. GEN. MACDONALD spoke in opposition to the bill. The member for Haldimand had not considered the effect of his bill. The judges of the county courts whom this bill proposed to make conciliation court judges, had now to perform duties so onerous that all their time was occupied⁷¹ [and] it was impossible they could discharge them with justice to themselves and with credit to those whose cases are brought forward. At this very moment complaints are made that the duties are so onerous that they must have assistance. The hon. member should, therefore, have considered before introducing the bill whether there was machinery existing to carry it out. If he had not considered this he had been very imprudent in introducing a bill of this kind. It is a very popular measure; it reads well and country constituencies would like to have a bill of this kind which at first sight proposes to do away with lawyers altogether. He doubted very much, however, if cheap law was a benefit to the country. He referred to the number of cases settled in Denmark in one year, and stated that he had some experience in that way. He had attended nine assizes this last year, and⁷² at all these places there were but two actions for slander, one for libel, and one for malicious prosecution⁷³ brought forward.⁷⁴

MR. MACKENZIE.--Would that have troubled the judge a great deal.⁷⁵

MR. SOL. GEN. MACDONALD did not know if there has been more than one or two cases of breach of promise of marriage in⁷⁶ the whole of Upper Canada⁷⁷ during the same time. The cases are all more of that class not contemplated by the Bill.⁷⁸ And what hardship did parties against whom there were actions for slander and breach of promise suffer now? And there were to be no witnesses in the conciliation courts. How would a Scotsman and a Dutchman who did not understand one another's language, settle their differences?⁷⁹ He then made some other remarks, and stated that it would be a fine thing for the hon. member to go to Haldimand and say he brought in such a Bill, but the 48 lawyers of the House of course put it out. The learned member said it was all very fine for the hon. member for Haldimand to introduce this bill, of which he did not profess to be the author, and which he did not venture to say was perfect; but no man acquainted with the practice of law could suppose that the bill would have the effect which was predicated. The class of actions on which it was intended to adjudicate are very rare indeed; and, moreover, his opinion as a lawyer was, that⁸⁰ the principle of the bill was bad, and there was no machinery in the country for carrying it out.⁸¹ He took the responsibility, then, of opposing the measure, because he was satisfied that it would be an actual burlesque to attempt to enact it as a part of the judicial proceedings of Canada.⁸²

COL. PRINCE found it exceedingly funny to see such a bill introduced by the hon. member for Haldimand, as⁸³ probably⁸⁴ no man had ever more successfully evaded the law⁸⁵ in Canada. The member for Haldimand, possessed energy but he wanted prudence; and he was certainly guilty of something like⁸⁶ a little bit of

presumption which did not belong to his character,⁸⁷ when he attempted to teach the house what ought to be law, seeing that he had not much respected the law of the country in which he lived.⁸⁸ A student of three years standing would see the absurdity of this bill.⁸⁹ The present bill was so palpable an absurdity, that it was not worth seriously debating⁹⁰. He went on to ridicule the hon. member's lecture to the House on the subject of law; and stated that his bill was a copy of a thing attempted to be established in Dublin by Mr. O'Connell, when he built the Conciliation Hall, which was one of the most absurd things he ever did⁹¹ [and] was ... an utter failure.⁹² The hon. member paid a high eulogism upon Daniel O'Connell, stating that he was the greatest genius and patriot that Ireland ever possessed. He continued at some length to ridicule the bill in a facetious manner and amid roars of laughter.⁹³ And he (Mr. P.) could not imagine that the electors of Haldimand were asses enough to believe that it would produce any benefit whatever. To propose that people should be compelled to submit their difficulties and disputes to courts of arbitrators--when they were already perfectly at liberty to pursue this course--was a piece of nonsense which was only worthy of being ridiculed.⁹⁴ He was surprised the Solicitor General should have condescended to a serious argument in answer to such palpable absurdity. He thanked God we lived in a land of liberty, a great country to which nature had been liberal of her favours, and where every man could have such courts, without the bill of the hon. member for Haldimand⁹⁵. Would the people of Haldimand thank the hon. gentleman for introducing this bill? If they did, they must be a precious set of jackasses⁹⁶, that was all he could say. (Loud laughter.)⁹⁷ He objected not to the principle of this bill, but it was altogether opposed to the existing machinery. The parties were to appear in person in these conciliation courts--how was a gouty man to come into court? The scheme was utterly absurd and nonsensical.⁹⁸

MR. RICHARDS said, when any man introduced a measure to reform the law, he ought to be able to show where the law was defective, and how it would harmonize with the new machinery which it was proposed to introduce. The member for Haldimand had failed to do this, and the result was, that the bill, even if desirable in other respects, would be found utterly inapplicable to the circumstances of the country. Another objection to the bill, was, that it was professedly based upon the experiment now being tried in⁹⁹ the State of New York¹⁰⁰, the result of which was still extremely doubtful. He was a friend of what is called progress, and because he was so, in the true sense, he should prefer to wait until the neighbouring experiment has been fairly and completely tested, at the expense of other people.¹⁰¹ He thought it perfectly impossible for the Judges of the County Courts to fulfil the duties at present devolving upon them, added to those which would be created by these conciliation courts.... The hon. member praised the sister Provinces for the system of law which permitted pleadings in language; but this system prevailed also in the Chancery Court, which he so frequently ran down.¹⁰² The member for Haldimand, while admitting that there are good lawyers, endeavoured to detract from the character of the profession as a whole; but he (Mr. R.) was convinced that to the legal profession are mankind more indebted for their civil liberty, than to any other class in the world. The men who have distinguished themselves in all countries as the advocates of freedom have belonged to the profession of the law; and it was not creditable to any hon. member to endeavour to cast a slur upon this profession, merely to obtain a little fleeting popularity.¹⁰³

MR. MACKENZIE rose amidst cries of question.¹⁰⁴ The Commons of Canada passed a bill of this kind twenty-one years ago, which was burked by the Legislative Council--that Council which then had for its strongest opponent the Attorney General.¹⁰⁵ If the four lawyers including her Majesty's Solicitor General, who had

spoken, had not felt that it was necessary to say a great deal against this bill before they allowed the vote to be taken they would not have taken the trouble they had. How was it that his (Mr. Mackenzie's) personal conduct was constantly to be alluded to, and the Speaker to remain silent?¹⁰⁶ He then condemned the hon. member for Frontenac for making use of his being sent to Parliament to plead in the Courts, and then abusing members in the Parliament House, in language that would disgrace any Assembly, while the Speaker took no measures to keep order, but allowed him to be called liar, scoundrel, traitor, villain,¹⁰⁷ rogue¹⁰⁸ one day, and absconding debtor, the next¹⁰⁹, and all the while the Speaker kept his place, and neither he nor any member endeavored to check language which no man of sense or breeding would utter, and which should not be listened to for a moment by any body having a proper idea of the respect due to themselves.¹¹⁰ How would the gentlemen of this House appear before the continent of America, if the private character of each member was to be made subject of discussion? He defied any one to stand up in this house, and say that he (Mr. M.) had ever attacked the private character of any man ever since he had a seat in this house. If he was so bad as he had been described by the disgraceful language that had been used, why not expel him?¹¹¹

Cries of "no, no, you are not worth it," from MR. H. SMITH of Frontenac.¹¹²

MR. MACKENZIE [continued:] His name would go down in history, and his opponents could not help it. For himself he disregarded these personal attacks; they would not make him lose his temper, but it was not creditable to this house that such disgraceful language should be applied to a member who has as much right ... as any one in this house¹¹³. He (Mr. M.) was sent to the House by a large constituency--as a member his vote was as effective as the vote of any other member--and was he to stand there, the butt against which any man might hurl his sneers with impunity? To say that he was an absconding debtor 27 years ago, was an insult to the large constituencies that had for years subsequent to that time, returned him to Parliament. To brand him now with opprobrious and malicious epithets, was a matter of comparative indifference to him, but it was an unjustifiable insult to the constituency who had shown their opinion of his life by enabling him to take his seat in the House as the exponent of their principles and the advocate of their interests.¹¹⁴ He protested against it in the name of the country and the House. He came there in a constitutional manner, and he was entitled to be treated with respect while he behaved in a respectable manner. Suppose, in the Court of Queen's Bench, the Chief Justice were to get up and blackguard and abuse another Judge. Would that Court obtain any respect? Yet that House was a higher Court than the Queen's Bench. As to the honourable member that attacked him the other night it was hardly worth while to mention him. He himself must be perfectly aware that his past conduct made it unnecessary for any gentleman to reply to him. But he confessed that he did not expect his conduct to be followed by the hon. member for Frontenac, however that gentleman might differ from him (Mr. Mackenzie.) He then turned to the question, and read examples from the United States, from France, Norway and Jamaica; where, he said, Conciliation Courts had been recommended by Lord Elgin; and Ireland, where it had been recommended by O'Connell. Being told that the system had failed, he retorted yes! no doubt, it failed when O'Connell was put in Bridewell for recommending it.¹¹⁵

COL. PRINCE said not for that; but for sedition.¹¹⁶

MR. MACKENZIE thereupon turned to an account of O'Connell's trial, and showed that the advice to establish Arbitration Courts was one of the principal charges against the great agitator. He went on to reply to the arguments of the other gentlemen who had replied to him.¹¹⁷ The Solicitor General had cut a very ridic-

ulous figure in this argument. He had said the County judges would be so burthened with cases in the Conciliation Courts that they would never get through the business; and then he went on to prove that there would be hardly any cases brought in these Courts. Why if there would be no cases hardly, how could the judges be so terribly burthened with them? That was the wisdom of the learned Solicitor General in a case in which he (Mr. Mackenzie) feared his conscience was on one side, and his advocacy was on the other. Then it had been said that the codification of the laws in the United States was a failure. Where was the evidence of this statement? Did they wish to go back to the old system?¹¹⁸ Not a single state had endeavoured to get rid of it.¹¹⁹ The hon. member proceeded to remark on the objections that had been urged to the Bill, dwelling particularly on the fact that its bitter opponents were lawyers, whose eloquence resolved itself into a series of quirks and quibbles in behalf of costs. It would be well for the community if one half of those who are now perched upon stools, studying the trickery of the law, were sent to some more useful employment; and it was equally to be desired that at the next election, one half of the lawyers now in the House, should be sent into private life.¹²⁰ (Applause in the galleries.) ... He had said nothing against them as a class; but he had spoken against a bad system.¹²¹ He wanted, he said, not to destroy lawyers, for that was impossible; but to make laws as simple as possible, and to get a means to avoid law at all, if that were possible.¹²² They differed in their grounds of opposition, as expressed by themselves, but they were unanimous in declaring that a Bill in favour of conciliation should not be tolerated for an instant.--It sounded well for members to sneer at popularity, but their sneers were feigned, not real; and unless they manage to secure what they profess to despise, they will not again figure before the world as legislators. Their anger on occasions like this might well be excused, for their loud talk was divested of all its force when contrasted with their votes.¹²³ The Solicitor General had said that he (Mr. Mackenzie) would not read this bill to his constituents; but he would ask when had he held opinions on the subject different from those he now advocated? The Solicitor General had asked what would be done if a Dutchman and Scotsman, not knowing one another's language, should come before the Court. Well there were some curious things in the world; and it required the inventive genius [*sic*] of the Solicitor General to conceive this case. But there was no fear that any difficulty would arise from these imaginary cases--Dutchman and Scotsman did not quarrel. He wished to see the lawyers vote against this measure; it would afford useful information to the constituent body. This was the repentent session, it was worth the whole of the other three sessions.¹²⁴

MR. AT. GEN. LAFONTAINE said that the hon. member for Haldimand had once been to Quebec in the month of November. And there was a committee sitting, all of whose papers were suddenly taken away, and at the same time the hon. member went away too.

That was just at the time when Mr. Neilson, the old patriarch, as the Hon. Member called him, was going to move for his arrest. It was then very cold; but it was too warm for the Hon. member. He then made a satirical review of the bill, one clause of which he said would make the Judge find a husband for every woman who was not married, and the whole of which was intended to make people do what they could do very well already.¹²⁵ He ... opposed the bill in detail pronouncing it something bordering on nonsense.¹²⁶

MR. H. SHERWOOD spoke in opposition to the bill. He deprecated these personal attacks that had been made; but immediately went on to spice his speech with such language as rebel and robber¹²⁷.

MR. AT. GEN. LAFONTAINE made some explanations¹²⁸.

[Someone] asked where were the papers¹²⁹.

MR. AT. GEN. LAFONTAINE [continued.] That had nothing to do with it. He then blamed the Member from Haldimand for his attack on the Speaker, who, he said, was universally respected, and said that no one more regretted the language used than he did, but he must remind the Hon. Member, that if he desired to be respected, he must respect himself, and must respect the truth.¹³⁰ He said [Mr. Mackenzie] had been denied the respect of all political parties.¹³¹

MR. MORRISON thought it was much to be regretted that hon. members should convert a debate on an important subject into a vulgar personal tirade.¹³² [He] regretted that the subject had been lost sight of¹³³. To say that the bill was nonsensical, was going too far. For his own part, he approved of the principle of the measure,¹³⁴ and did not think it by any means so absurd as it was represented, since many of the most civilized countries possessed a similar law. He only complained that it did not go far enough,¹³⁵ to include matters of contract¹³⁶, and that it should be extended to other cases than those mentioned in the Bill.¹³⁷ The people of Canada were in favour of Conciliation Courts;¹³⁸ [and] demanded the Bill, which would, if wrong, only last three years¹³⁹. Although the bill before the House was defective, he should vote for its second reading, with a view to its amendment in committee.¹⁴⁰ He also desired a codification, and did not approve of heaping up too many statutes before that was done.¹⁴¹ That was one reason why he was opposed to isolated efforts of this kind.¹⁴² He trusted that the Government would shortly attempt to bring about a system of codification for Upper Canada; which he believed to be eminently necessary in the present circumstances of the colony.¹⁴³ As to the profession of the law, it must stand on its own merits; he said openly, make it free to the people; throw open the profession¹⁴⁴ to all; each trusting to his talents to get clients.¹⁴⁵ It was for the benefit of the country that this should be the case.¹⁴⁶ He could not but regret that half a dozen lawyers had risen in succession to oppose this bill, for they might rest assured that their opposition would be ascribed by people out of doors to motives the reverse of patriotic.¹⁴⁷

MR. J. SMITH of Durham, would also support this bill, and in doing so he cast no imputation on those who took another course; nor was he influenced by the consideration of what effect his support of the bill would have out of doors. All that had been said against the bill really amounted to nothing.¹⁴⁸ No one had pretended that any mischief would be done by it; the most that could be said against it was, that it would be inoperative. He did not think even that was true.¹⁴⁹ To a considerable extent it would be so, because numbers of people would rush into law in spite of all legislation; but it would nevertheless confer advantages on the community, by enabling parties to ascertain from a disinterested source their exact legal rights and position.¹⁵⁰ It had been objected to the measure that it did allow witnesses; if it did he believed such a provision would prevent any good the measure is calculated to effect.¹⁵¹ Being in favour of the principle, he should support the measure,¹⁵² in spite of sneers¹⁵³, with the express declaration, however, that it should be referred to a committee in order that its inaccuracies, improprieties, defects, and informalities, might be corrected.¹⁵⁴ During the present session of the Imperial Parliament Lord Brougham had connected with a measure of law reforms, a scheme of Conciliation Courts; and when he saw the principle supported by such high authority he had no hesitation in supporting it.¹⁵⁵ He regretted that the debate had degenerated to some extent into a mere personal squabble on the part of some hon. members; for the conduct of the hon. member for Haldimand on Navy Island in no way affected

the character of the measure now under discussion.¹⁵⁶

MR. J. CAMERON pointed out what he considered a fatal defect in the bill, viz., that under its provisions the judge who hears a case as arbitrator¹⁵⁷, in the Conciliation Court,¹⁵⁸ might afterwards be the judge to try it¹⁵⁹, in another tribunal.¹⁶⁰ It was clear that this struck at the root of the whole matter. If carried there must be different judges. In other respects he did not think the¹⁶¹ principle of Conciliation Courts so ridiculous as it had been represented to be; but it could not be carried out until a tribunal be constructed totally independent of existing tribunals.¹⁶² Before it could be adopted, our present system of judicature must be altered.¹⁶³ The system of arbitration, ... had been tried four years in the matter of boundaries, and in that time had cost £10,000, so that it was found to be a failure.¹⁶⁴

MR. INSP. GEN. HINCKS said this defect might be remedied in committee. He was satisfied¹⁶⁵ the hon. member for Haldimand wanted the bill thrown out at the second reading; he knew he did.¹⁶⁶

MR. MACKENZIE--I deny it.¹⁶⁷

MR. INSP. GEN. HINCKS hoped they would disappoint him by allowing it to pass a second reading, and having it referred to a Committee¹⁶⁸. The hon. members for West York, Durham, and Cornwall, now took charge of the bill, let it therefore be committed;¹⁶⁹ that their united wisdom might be fairly and completely tested¹⁷⁰, and let it be seen what they would make of it¹⁷¹, and let the responsibility be thrown on the right quarter.¹⁷² (Loud cheers and uproar.) That was the only way not to play the game of the hon. member.¹⁷³

MR. MERRITT would support the bill, because he was in favor of the principle of arbitration, and desired to see it carried out whenever it was practicable. If the bill were defective, let it be corrected in committee.¹⁷⁴ The bill was a popular one, and one ... that was required by the country; he would therefore vote for it.¹⁷⁵

(78)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Cameron of CORNWALL, Cartier, Chabot, Chauveau, Christie, Solicitor General Drummond, Dumas, Fortier, Fourquin, Gagy, Guillet, Jobin, Attorney General LaFontaine, LaTerrière, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McLean, Mongenais, Polette, Price, Prince, Richards, Robinson, Ross, Sauvageau, Scott of BYTOWN, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Wilson.--(36.)

NAYS.

Messieurs Bell, Boulton of TORONTO, Bouthillier, Cauchon, DeWitt, Duchesnay, Fournier, Hall, Hincks, Hopkins, Johnson, Laurin, Lyon, Mackenzie, McConnell, McFarland, Merritt, Meyers, Morrison, Sanborn, Scott of TWO MOUNTAINS, Smith of DURHAM, Stevenson, and Taché.--(24.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. DeWitt, seconded by the Honorable Mr. Price, The House adjourned.

[NOTICE OF MOTION RE: RESOLUTIONS CONCERNING CUSTOMS DUTIES.]¹⁷⁶

MR. H. SHERWOOD gave notice of a motion to take into consideration the propriety of abolishing the duties on customs, so far as they apply to tea, sugar, molasses, and coffee, imported into this Province by sea.¹⁷⁷

[NOTICE OF ADDRESS RE: CLERGY RESERVES.]¹⁷⁸

To-night, COL. PRINCE gave notice that he would move an address to the Queen¹⁷⁹ thanking her for her gracious answer to the Address of the House of last session, on the Clergy Reserves¹⁸⁰, and praying the passage of the bill, in accordance with its term.¹⁸¹

[WITHDRAWN MOTION RE: ACCOUNTS OF TRINITY HOUSE AT QUEBEC AND MONTREAL.]¹⁸²

MR. CHRISTIE moved to refer the accounts of the Trinity-house, at Quebec and Montreal, for the year 1850, to a select committee of nine members.¹⁸³ In doing so, he called on the members from the District of Quebec to say whether it was not true that there were complaints of the expenses of the Trinity House.¹⁸⁴ [Il] a dit qu'il n'accusait personne; qu'il ne blâmait pas même le système; mais que l'on se plaignait universellement des dépenses énormes de cette institution et qu'il voulait une enquête.¹⁸⁵ The standing expense of Trinity-house at Quebec was £2,500, the whole revenue being £10,000. He thought the fact that the expenses was [sic] one-fourth of the revenue, was of itself a sufficient reason for enquiry.¹⁸⁶

MR. AT. GEN. LAFONTAINE lui répondit qu'il n'y avait rien qui pût justifier la nomination d'un pareil comité; qu'il n'y avait pas de plaintes devant le gouvernement; qu'il n'y avait pas eu même de plaintes ailleurs, jusqu'au moment où l'auteur de toutes ces plaintes avait été mis à la porte du bureau de la Trinité, par une clause insérée dans le bill de la Trinité de 1849, par le député de Gaspé lui-même; que tous les ans ce député avait coutume de constituer une enquête sur les comptes publics, à laquelle le gouvernement, ne s'était jamais opposé, qu'il était facile de soumettre les comptes de la Trinité à cette même enquête, et que le gouvernement comme de coutume fournirait tous les renseignements que l'on pourrait exiger.¹⁸⁷

Oh! non, a répondu MR. CHRISTIE.¹⁸⁸

MR. CHABOT replied that there were complaints of the Trinity House; but he believed they were all made by interested parties. If there were persons now in the Trinity House paid too high, it was the fault of Parliament. As to changing the present system of government, he doubted much whether the affairs of the Board could be conducted more cheaply under the Board of Works than at present, when everybody acted gratuitously, except the President.¹⁸⁹

MR. MERRITT asserted that there were great complaints of the charges on the trade for the Trinity House and lights. He had been told by a merchant of Montreal, that on a cargo of coals, the charges were £15 more than the freight. There was a Board at Quebec, one at Kingston, and the Board of Trade above Kingston. That was a great cause of expense. Now the costs at Quebec were £2,500, for management, on a revenue of £10,000. Now what was the cost at New York? £250. The first was managed by a Board under the Government; the second by merchants, acting with a view to the general advantage.¹⁹⁰

MR. CAUCHON spoke at some length, principally with a view of showing that the Trinity House was managed as cheaply as possible, and that if any complaints were made by the trade, it was not because they wanted the expenses reduced, but because they wanted the burden taken off the trade and placed on the consolidated revenue.¹⁹¹

MR. ROBINSON spoke in favour of inquiry. There were complaints, and those of a very serious kind. For example the Board of Trade of Quebec, acting in compliance with the request of the Government had presented a report, in which it was shown that the difference on the charges on a ship at Quebec and New York were £49 in favor of the latter city; £22 for public and £27 for public charges. These obstacles had stoppped a freight of railway iron coming this way.¹⁹²

MR. INSP. GEN. HINCKS said the Government had no¹⁹³ desire to justify extravagant charges by the Trinity House, and were therefore willing to afford every facility for a fair and full inquiry into the¹⁹⁴ accounts of the Trinity House. They would be inquired into by the Committee of Public Accounts. In reply to what had been stated about railway iron by Mr. Robinson, he stated that railway iron was coming here now in much greater quantities than ever. At the time that Government intended to propose to put a great many more lights below Quebec without additional charge on the shipping, he doubted the policy of taking off present charges, though the tendency of his mind was at present to remove these charges from the trade. In reply to Mr. Merritt's statements of the low cost of management at New York, he stated that the cost of managing lights at New York city was \$5000, and for New York State \$7000 or \$8000. The hon. member had frightened the trade by saying they must pay for new lights.¹⁹⁵

MR. MERRITT explained, but merely repeated what he had said before as to the expense of the management of lights at New York. In reply to what had been said about his frightening the trade, he said that he had remarked in his circular, that "at present" the lights were maintained by the trade. It was since his return from Quebec that he had formed his opinion on the propriety of relieving the trade.¹⁹⁶

MR. CAUCHON read the circular in question to show that it was said these expenses "must be borne" by the trade. Mr. Dean had been mentioned as one of the complainants. The fact was that Messrs. Dean and Stevenson had a steamboat which they had hired to the Trinity House at a much larger expense than was fair, and made no complaint till another steamboat was hired at a much less expense. There would shortly be a saving of £700 by the falling in of these pensions held by gentlemen, the youngest of whom was 77. Some salaries also might be hereafter reduced. Altogether these reductions would amount to £2000 per annum. It was absurd to compare the expenses of New York with Quebec. It was well known that there were four harbour masters at New York, with assistants; and besides, New York Bay was only 20 miles long, while the Quebec navigation was one hundred and fifty miles long.¹⁹⁷

After a long discussion, on the suggestion of MR. INSP. GEN. HINCKS,¹⁹⁸ MR. CHRISTIE a retiré sa motion¹⁹⁹ [and] consented to refer the matter to the Committee on Public Accounts.²⁰⁰

FOOTNOTES: 12 JUNE 1851.

1. The following papers commented on this matter in identical accounts: BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, and LA MINERVE, 14 June 1851.
2. BRITISH WHIG, 13 June 1851.
3. The following papers reported the debate on this matter in identical accounts: BATHURST COURIER (Supplement), 13 June 1851, MONTREAL GAZETTE, 14 June 1851, MORNING CHRONICLE, 14 June 1851, BRITISH WHIG, 14 June 1851, and MONTREAL TRANSCRIPT, 14 June 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 13 June 1851, GLOBE, 14 June 1851, PILOT, 19 June 1851, and NORTH AMERICAN, 20 June 1851.
4. GLOBE, 14 June 1851.
5. IBID.
6. IBID.
7. IBID.
8. BRITISH COLONIST, 13 June 1851.
9. GLOBE, 14 June 1851.
10. IBID.
11. The following papers reported the debate on this matter in partially identical accounts: BATHURST COURIER (Supplement), 13 June 1851, MONTREAL GAZETTE, 14 June 1851, MORNING CHRONICLE, 14 June 1851, BRITISH WHIG, 14 June 1851, MONTREAL TRANSCRIPT, 14 June 1851; GLOBE, 14 June 1851, PILOT, 19 June 1851, NORTH AMERICAN, 20 June 1851, OTTAWA CITIZEN, 21 June 1851, and BATHURST COURIER, 24 June 1851. The debate was also reported by: BRITISH COLONIST, 13 June 1851; MONTREAL GAZETTE, 17 June 1851; and EXAMINER, 18 June 1851. PILOT, 21 June 1851 noted the debate.
12. GLOBE, 14 June 1851.
13. EXAMINER, 18 June 1851.
14. GLOBE, 14 June 1851.
15. BRITISH COLONIST, 13 June 1851.
16. EXAMINER, 18 June 1851.
17. GLOBE, 14 June 1851.
18. EXAMINER, 18 June 1851.
19. GLOBE, 14 June 1851.
20. EXAMINER, 18 June 1851.
21. GLOBE, 14 June 1851.
22. EXAMINER, 18 June 1851.
23. GLOBE, 14 June 1851.
24. EXAMINER, 18 June 1851.
25. GLOBE, 14 June 1851.
26. EXAMINER, 18 June 1851.
27. GLOBE, 14 June 1851.
28. EXAMINER, 18 June 1851.
29. GLOBE, 14 June 1851.
30. EXAMINER, 18 June 1851.
31. BRITISH COLONIST, 13 June 1851.
32. EXAMINER, 18 June 1851.
33. GLOBE, 14 June 1851.
34. EXAMINER, 18 June 1851. Ellipses represent illegible words.
35. GLOBE, 14 June 1851.
36. EXAMINER, 18 June 1851. Ellipses represent illegible words.
37. GLOBE, 14 June 1851.
38. EXAMINER, 18 June 1851.
39. GLOBE, 14 June 1851.

40. EXAMINER, 18 June 1851. Ellipses represent illegible words.
41. GLOBE, 14 June 1851.
42. BRITISH COLONIST, 13 June 1851.
43. GLOBE, 14 June 1851.
44. BRITISH COLONIST, 13 June 1851.
45. GLOBE, 14 June 1851.
46. EXAMINER, 18 June 1851.
47. GLOBE, 14 June 1851.
48. EXAMINER, 18 June 1851.
49. BRITISH COLONIST, 13 June 1851.
50. GLOBE, 14 June 1851.
51. BRITISH COLONIST, 13 June 1851.
52. GLOBE, 14 June 1851.
53. EXAMINER, 18 June 1851.
54. BRITISH COLONIST, 13 June 1851.
55. GLOBE, 14 June 1851.
56. BRITISH COLONIST, 13 June 1851.
57. GLOBE, 14 June 1851.
58. IBID.
59. IBID.
60. BRITISH COLONIST, 13 June 1851.
61. GLOBE, 14 June 1851.
62. BRITISH COLONIST, 13 June 1851.
63. GLOBE, 14 June 1851.
64. BRITISH COLONIST, 13 June 1851.
65. GLOBE, 14 June 1851.
66. BRITISH COLONIST, 13 June 1851.
67. GLOBE, 14 June 1851.
68. EXAMINER, 18 June 1851.
69. GLOBE, 14 June 1851.
70. IBID.
71. EXAMINER, 18 June 1851.
72. GLOBE, 14 June 1851.
73. EXAMINER, 18 June 1851.
74. GLOBE, 14 June 1851.
75. IBID.
76. IBID.
77. EXAMINER, 18 June 1851.
78. GLOBE, 14 June 1851.
79. EXAMINER, 18 June 1851.
80. GLOBE, 14 June 1851.
81. EXAMINER, 18 June 1851.
82. GLOBE, 14 June 1851.
83. BRITISH COLONIST, 13 June 1851.
84. GLOBE, 14 June 1851.
85. BRITISH COLONIST, 13 June 1851.
86. GLOBE, 14 June 1851.
87. EXAMINER, 18 June 1851.
88. GLOBE, 14 June 1851.
89. EXAMINER, 18 June 1851.
90. GLOBE, 14 June 1851.
91. BRITISH COLONIST, 13 June 1851.
92. EXAMINER, 18 June 1851.
93. BRITISH COLONIST, 13 June 1851.
94. GLOBE, 14 June 1851.

95. BRITISH COLONIST, 13 June 1851.
96. EXAMINER, 18 June 1851.
97. BRITISH COLONIST, 13 June 1851.
98. EXAMINER, 18 June 1851.
99. GLOBE, 14 June 1851.
100. BRITISH COLONIST, 13 June 1851.
101. GLOBE, 14 June 1851.
102. BRITISH COLONIST, 13 June 1851.
103. GLOBE, 14 June 1851.
104. EXAMINER, 18 June 1851.
105. BRITISH COLONIST, 13 June 1851.
106. EXAMINER, 18 June 1851.
107. BRITISH COLONIST, 13 June 1851.
108. GLOBE, 14 June 1851.
109. BRITISH COLONIST, 13 June 1851.
110. GLOBE, 14 June 1851.
111. EXAMINER, 18 June 1851.
112. IBID.
113. IBID.
114. GLOBE, 14 June 1851.
115. BRITISH COLONIST, 13 June 1851.
116. IBID.
117. IBID.
118. EXAMINER, 18 June 1851.
119. BRITISH COLONIST, 13 June 1851.
120. GLOBE, 14 June 1851.
121. EXAMINER, 18 June 1851.
122. BRITISH COLONIST, 13 June 1851.
123. GLOBE, 14 June 1851.
124. EXAMINER, 18 June 1851.
125. BRITISH COLONIST, 13 June 1851.
126. EXAMINER, 18 June 1851.
127. IBID.
128. BRITISH COLONIST, 13 June 1851.
129. IBID.
130. IBID.
131. EXAMINER, 18 June 1851.
132. GLOBE, 14 June 1851.
133. EXAMINER, 18 June 1851.
134. GLOBE, 14 June 1851.
135. BRITISH COLONIST, 13 June 1851.
136. GLOBE, 14 June 1851.
137. BRITISH COLONIST, 13 June 1851.
138. GLOBE, 14 June 1851.
139. BRITISH COLONIST, 13 June 1851.
140. GLOBE, 14 June 1851.
141. BRITISH COLONIST, 13 June 1851.
142. EXAMINER, 18 June 1851.
143. GLOBE, 14 June 1851.
144. EXAMINER, 18 June 1851.
145. BRITISH COLONIST, 13 June 1851.
146. EXAMINER, 18 June 1851.
147. GLOBE, 14 June 1851.
148. EXAMINER, 18 June 1851.
149. BRITISH COLONIST, 13 June 1851.

150. GLOBE, 14 June 1851.
151. EXAMINER, 18 June 1851.
152. GLOBE, 14 June 1851.
153. BRITISH COLONIST, 13 June 1851.
154. GLOBE, 14 June 1851.
155. EXAMINER, 18 June 1851.
156. GLOBE, 14 June 1851.
157. IBID.
158. BRITISH COLONIST, 13 June 1851.
159. GLOBE, 14 June 1851.
160. EXAMINER, 18 June 1851.
161. BRITISH COLONIST, 13 June 1851.
162. GLOBE, 14 June 1851.
163. EXAMINER, 18 June 1851.
164. BRITISH COLONIST, 13 June 1851.
165. GLOBE, 14 June 1851.
166. BRITISH COLONIST, 13 June 1851.
167. GLOBE, 14 June 1851.
168. IBID.
169. BRITISH COLONIST, 13 June 1851.
170. GLOBE, 14 June 1851.
171. BRITISH COLONIST, 13 June 1851.
172. GLOBE, 14 June 1851.
173. BRITISH COLONIST, 13 June 1851.
174. GLOBE, 14 June 1851.
175. BRITISH COLONIST, 13 June 1851.
176. The following papers reported this notice of motion in identical accounts: BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, LA MINERVE, 14 June 1851; GLOBE, 14 June 1851, PILOT, 19 June 1851, and NORTH AMERICAN, 20 June 1851. The notice was also reported by BRITISH COLONIST, 13 June 1851.
177. GLOBE, 14 June 1851.
178. The following papers reported this notice of address in identical accounts: BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, and LA MINERVE, 14 June 1851. The notice was also reported by BRITISH COLONIST, 13 June 1851.
179. BRITISH WHIG, 13 June 1851.
180. BRITISH COLONIST, 13 June 1851.
181. BRITISH WHIG, 13 June 1851.
182. The following papers reported the debate on this withdrawn motion in identical accounts: GLOBE, 14 June 1851, PILOT, 19 June 1851, and NORTH AMERICAN, 20 June 1851. The debate was also reported by: BRITISH COLONIST, 13 June 1851; EXAMINER, 18 June 1851; and JOURNAL DE QUEBEC, 21 June 1851. The debate was noted in identical accounts by: BRITISH WHIG, 13 June 1851, MONTREAL GAZETTE, 13 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, and LA MINERVE, 14 June 1851. A commentary appeared in JOURNAL DE QUEBEC, 21 June 1851.
183. EXAMINER, 18 June 1851.
184. BRITISH COLONIST, 13 June 1851.
185. JOURNAL DE QUEBEC, 21 June 1851.
186. EXAMINER, 18 June 1851.
187. JOURNAL DE QUEBEC, 21 June 1851.
188. IBID.
189. BRITISH COLONIST, 13 June 1851.
190. IBID.

191. IBID.
192. IBID.
193. IBID.
194. GLOBE, 14 June 1851.
195. BRITISH COLONIST, 13 June 1851.
196. IBID.
197. IBID.
198. BRITISH WHIG, 13 June 1851.
199. JOURNAL DE QUEBEC, 21 June 1851.
200. BRITISH WHIG, 13 June 1851.

FRIDAY, 13 JUNE 1851.

(78)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Sherwood of Brockville,--The Petition of the
Honorable George Crookshank, of the City of Toronto, Esquire.

By Mr. Jobin,--The Petition of Pierre Dubreuil and others, of the Parish of
Pointe aux Trembles, County of Montreal.

By Sir Allan N. MacNab,--The Petition of Thomas Brooke, of the City of Toronto,
Door-keeper to the Honorable the Legislative Council.

By Mr. Lacoste,--The Petition of the Municipal Council of the Village of
Chambly, County of Chambly.

By Mr. Richards,--The Petition of Patrick Murray, of the Township of Eliza-
bethtown.

By Mr. Meyers,--The Petition of the Municipal Council of the United Counties
of Northumberland and Durham; and the Petition of the Municipality of the Town-
ship of Percy.

By Mr. Fourquin,--The Petition of Pierre Hébert and others, of the Parish of
St. Michel d'Yamaska.

By Mr. Morrison,--The Petition of Thomas McMicking and others, of the West
Riding of the County of York; the Petition of A. McAlpine and others, of the
West Riding of the County of York; the Petition of John Ballantyne and others,
of the West Riding of the County of York; the Petition of James Hetherington
and others, of the West Riding of the County of York; the Petition of James
Foard and others, of the West Riding County of York; and the Petition of the
Ontario, Simcoe and Huron Railroad Company.

By the Honorable Mr. Hincks,--The Petition of Thomas Hornor and others.

By Mr. Sanborn,--The Petition of John Moore, Esquire, and others, of Eaton,
Newport, Clifton, and other Townships in the County of Sherbrooke.

By Mr. Ross,--The Petition of the Reverend L. Provancher and others, of the
Township of Tring.

By Mr. Fergusson,--The Petition of George Barron and others, of the Town-
ship of Nichol.

By Mr. Cartier,--The Petition of Sister M.R. Coutlée, Superior, and others,
Sisters of Charity in charge of the General Hospital of Montreal.

By Mr. Prince,--The Petition of Edwin Larwill and others, white inhabitants
of the Township of Chatham; the Petition of George Duck, Esquire, and others of
the Counties of Kent and Lambton; and the Petition of A. Currie and others,
Merchants, Ship-owners and Traders, of the Town of Chatham.

Petitions read.

Pursuant to the Order of the day, the following Pe-
titions were read:--

Of the Reverend J.B. Howard, Chairman, on behalf of the Board of Common School
Trustees of the Town of Peterborough; praying for the passing of an Act to make
more effectual provision for the maintenance of Grammar Schools in Upper Canada.

Of P.P. Russell and others, of the County of Missisquoi; praying for the
construction of a Ship Canal, similar to those of the St. Lawrence, to connect
the waters of the St. Lawrence with Lake Champlain.

Of the Reverend F.T. Lahaye, General Agent of the Community of Saint Viateur
for the Colleges of Industrie, Chambly and Rigaud; praying aid in behalf of the
said College of Rigaud.

Of F.S.R. Bellefeuille and others, late Officers of the Municipal District
of Three Rivers; praying payment of the accounts due them by the late Municipal
District of Three Rivers.

Of the Municipal Council of the Town of Guelph; praying for the appropriation

of the Clergy Reserve and Rectory Lands to purposes of Education.

Of Joseph Bouchette, Esquire, Author of the Geographical Map of Canada; representing that the Copper Plates of the said Map are pledged to the Engraver of them for a certain sum due thereon, and are in danger of being sacrificed and passing into foreign hands, and praying relief in the premises.

Of Moses Gilman and others, of Coldbrook, Township of Brome; praying aid in behalf of the Brome Grammar School.

Of David Hoover and others, of Cartwright, Mariposa, and other Townships; praying the passing of an Act to prevent the killing of Fish at certain seasons in Lake Scugog and the River flowing therefrom, and otherwise for the protection of Fish in those waters.

Of the Municipal Council of the United Counties of Huron, Perth and Bruce; praying that the Act 12 Vic. cap. 81, may be so amended as to leave the publications of the receipts, expenditures and liabilities of Municipal Corporations to their own discretion.

Of John McIntosh, of the Township of Kincardine; praying payment of a certain amount for articles furnished by him to the Militia on the order of their

(79)

Colonel, at Fort Erie, during the troubles of 1837.

Of the Municipality of the Township of Emily; praying that the said Township may not be separated from the County of Peterborough.

Of George Crawford, Esquire, and others; praying an Act of Incorporation under the title of "The Montreal, Ottawa and Kingston Grand Trunk Railroad Company."

Petitions to
be printed.

Ordered, That the Petition of the Reverend J.H. Dorion and others, Catholic Missionaries in the Eastern Townships, be printed for the use of the Members of

this House.

Fourth Report
of Committee on
Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Allan Macdonell and others; of Andrew Thompson; of the Municipal Council of Peterborough (By-law); and of the Municipal Council of Haldimand, (closing of Ottawa Street); and they find that the requisite notices have been given.

The Petitions of Ira Gould, and others his sons; praying to be naturalized; and of F.C.T. Arnoldi, Esquire, M.D., and others, for incorporation of the St. Lawrence School of Medicine of Montreal, are not, in the opinion of Your Committee, of such a nature as to require notices to be published. They would respectfully submit that this is also the case with respect to the Petition of the Mayor and Councillors of the City of Quebec, praying amendments to the Acts authorizing them to supply the said City with Water, inasmuch as the Petitioners desire authority merely to determine themselves the amount of the water rate, leaving the maximum at the rate now fixed by the Acts in question.

With respect to the Petition of the Mayor and Councillors of the City of Quebec, praying for certain privileges to enable them to recover arrears of Taxes, Your Committee find that notice has not been published. The Petitioners, in this instance, seek to obtain for the Corporation a right of priority over other creditors in the collection of Taxes in arrear; this right the Corporation had supposed themselves to possess, until a recent decision of the Court of Queen's Bench to the contrary effect. Your Committee content themselves with reporting the facts, and leave it to Your Honorable House to determine how far it may be expedient, under the circumstances, to dispense with the usual notice.

With regard to the Petition of the Reverend Robert S.C. Taylor, M.A., Rector, and others, Churchwardens of St. John's Church, Peterborough, praying for authority to sell a part of the Rectory Endowment of the said Church, it appears that notice has been published in the "Official Gazette" since 26th April, but not in any local papers; as, however, Your Committee are satisfied, from the evidence before them, that the consent of all the parties concerned in the measure has been obtained, they would respectfully recommend that the notice be considered sufficient.

Your Committee have also examined the Petition of the Woodstock and Lake Erie Railway and Harbour Company, for certain amendments to their Charter. Notice of the application has been published for the period required, in a Woodstock paper, (for the County of Oxford,) and also in the "Canada Gazette," but none in the Counties of Middlesex and Norfolk, which would also be affected by the operation of the proposed amendments. It would appear that the Company were not aware that it would be necessary for them also to publish their notice in the two Counties last mentioned; and as the paper before referred to has a full circulation in these Counties, (which are adjacent to Oxford,) Your Committee would respectfully suggest that the notice be considered sufficient.

A Petition of F. Boucher, Esquire, and others, praying that the Act providing for the management of the Common of the Seigniorie of Maskinongé may be revived and amended, was referred to Your Committee on the 9th instant, which Petition has, however, been since mislaid. In the absence of the original Petition, Your Committee have examined a certified copy laid before them by Mr. Polette, a Member of Your Honorable House, (who presented the Petition,) and they are of opinion that it is not of a nature to require the publication of notice.

Report on
Petition of
R. Headland
and others.

Mr. McFarland, from the Select Committee to which was referred the Petition of Robert Headland and others, of the County of Grenville, presented to the House the Report of the said Committee; which was read as followeth:--

Your Committee have examined the Petition referred to them, of Robert Headland and others, of the County of Grenville, praying the passing of an Act to prevent the hounding of Deer, and also to prohibit the killing of Deer at certain seasons of the year; and beg to recommend the passing of a Law to prohibit the hunting of Deer with hounds, and to render it illegal to kill Deer during the winter season after a specified time.

Bill relating to
Deer and the
Game Laws.

Ordered, That Mr. McFarland have leave to bring in a Bill to prevent the hunting of Deer with Hounds at improper seasons of the year, and further to amend the Laws for the preservation of Game.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Answer to
Addresses.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, That their Addresses of yesterday (that the Papers therein respectively mentioned might be laid before the House) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House, that he would give directions accordingly.

The Petition of
W. Ryckman and
others, referred.

Ordered, That the Petition of Samuel W. Ryckman and others, be referred to the Standing Committee on Standing Orders.

Public Works.

The The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to the directions of several Acts of the Provincial Parliament,--Report of the Commissioners of Public Works, to the 10th June, 1851.

Appendix (T.)

For the said Report, see Appendix (T.)

Customs De-
partment,
Montreal.

The Honorable Mr. Hincks also presented, pursuant to an Address to His Excellency the Governor General, the following Return:--

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 9th June, 1851, for a Statement of the names of persons who have been or may now be engaged in the Customs Department in the City of Montreal, with the date of their appointment, for the years 1848, 1849, 1850, till the present date, 1851, stating the amount of salary attached to each of the said appointments, for the above mentioned time.

By Command.

J. LESLIE,
Secretary.

Secretary's Office,
Toronto, 13th June, 1851.

[See Statements on the following pages.]

(80)

Alexander
Morrison.

Ordered, That the Return relative to the Claim of Alexander Morrison, which was presented on Tuesday last, be printed for the use of the Members of this

House.

MR. CHRISTIE¹ moved that the public accounts for 1850 be referred to a² Special Committee.³ The hon. gentleman referred to many items in the accounts which he considered required careful consideration⁴. In the account No. 17, he found several⁵ large sums⁶ paid to certain parties,⁷ members of the House, for services rendered as counsel for the Crown and in other capacities⁸, which seemed extraordinary items. Again, he found to Jacques Viger, Chairman of the Rebellion Losses Commission, over £3000. The hon. member proceeded with his remarks, but in a tone which did not distinctly reach the gallery, on the sums paid to Messrs. Ross, Richards, Notman, and various other members. This he said did not look well.⁹ He had no doubt that these gentlemen did their duty, and were by no means overpaid, but he was opposed to the idea of paying money to the members of the House, from a conviction that such a practice was calculated to shake public confidence in their proceedings, and, by implication, the proceedings of the entire body. The moment a member (not being a member of the government) consented to receive public money, his character for independence became liable to be called in question, and his usefulness was consequently lessened to a considerable extent¹⁰, and he had observed that not one of them had voted against the government.¹¹

MR. W. BOULTON mentioned Mr. Notman as an exception.¹²

MR. CHRISTIE [continued:] The public could hardly believe such gentlemen to be independent. The high constables at Quebec and Montreal received salaries of £40 each, but they got also for fees at Quebec over £300, and at Montreal, we did not catch the sum mentioned. He made similar remarks relative to the high constables at Three Rivers and Sherbrooke, Mr. Wilson, too, of London, was down for £25 for a retainer. He then came to Messrs. Derbishire & Desbarats, who got, he said, a perfect California. He gave the Government

List of Permanent Officers on the Establishment of the Custom House at the Port of Montreal, for the years 1848, 1849, and 1850, before the collection of the Customs Revenue of the Province was transferred to the control of the Provincial Government.

Names.	Office.	Date of Appointment.	Salaries.			Remarks.
			1848.	1849.	1850.	
			£ s. d.	£ s. d.	£ s. d.	
William Hall . . .	Collector . . .	1834 . . .	851 13 4	750 0 0	750 0 0	
R.H. Hamilton. . .	Landing Surveyor . . .	1840 . . .	486 0 0	486 0 0	486 0 0	
Thomas Thain . . .	1st do Waiter . . .	1840 . . .	243 6 8	243 6 8	243 6 8	
Henry Pratt. . .	2nd do do . . .	1845 . . .	221 13 4	221 13 4	221 13 4	
James Mills. . .	Tide Surveyor . . .	1835 . . .	182 10 0	182 10 0	182 10 0	
J.W. Oliver. . .	1st Clerk and Warehouse-keeper. . .	1845 . . .	243 6 8	243 6 8	243 6 8	
John Lewis . . .	2nd Clerk . . .	1841 . . .	212 18 4	212 18 4	212 18 4	
John Travers . . .	3rd do . . .	1841 . . .	182 10 0	182 10 0	182 10 0	
C.P. Stone . . .	4th do . . .	1846 . . .	121 13 4	121 13 4	121 13 4	
W.H. King . . .	Clerk to Landing Surveyor . . .	1847 . . .	121 13 4	121 13 4	121 13 4	
H. Fletcher. . .	Tide Waiter for do . . .	1845 . . .	121 13 4	121 13 4	121 13 4	
A. Henderson . . .	Tide Waiter . . .	1845 . . .	21 18 0	21 18 0	21 18 0	
Isidore Mallon . . .	Acting Surveyor's Clerk . . .	1848 . . .	141 5 0	78 2 10	.... . . .
Robert Hampson . . .	As Clerk. . .	1848 . . .	130 0 0	130 0 0	130 0 0	
E. Vennor. . .	do do . . .	1847 . . .	130 0 0	130 0 0	130 0 0	
J.J. King. . .	Appraiser . . .	1846 . . .	130 0 0	130 0 0	130 0 0	
Léon Globensky . . .	Assistant do. . .	1848 . . .	125 0 0	125 0 0	125 0 0	
William McNider. . .	Ex: Warehouse-keeper . . .	1848 . . .	125 0 0	125 0 0	125 0 0	
John Gray. . .	Preventive Officer. . .	1846 . . .	100 0 0	100 0 0	100 0 0	
J.H. Smith . . .	do do at Lachine . . .	1850 . . .	.... . . .	.... . . .	75 0 0	
Jane Scholes . . .	House-keeper . . .	1839 . . .	52 4 0	52 4 0	52 4 0	
Samuel Holloway. . .	Messenger . . .	1845 . . .	50 0 0	50 0 0	50 0 0	
John Gallagher . . .	Packer . . .	1842 . . .	16 0 0	.... . . .	.... . . .
Adam Drysdale. . .	Messenger . . .	1849 . . .	.... . . .	50 0 0	50 0 0	
William Scholes. . .	Acting Locker . . .	1845 . . .	75 8 8	75 8 8	.... . . .
			£4085 14 0	3954 18 6	3876 7 0	

List of Permanent Officers on the Establishment of the Custom House at the Port of Montreal, since the transfer of the collection of the Customs Revenue from the Imperial to the Provincial Government, and with Salaries as fixed by Order in Council dated the 5th April, 1850.

Names.	Office.	Date of Appointment.	Salaries for 1851. £ s. d.	Remarks.
T. Bouthillier . . .	Collector	23rd April, 1850	600 0 0	Vice William Hall, deceased.
Isidore Mallon . . .	Surveyor	28th March, 1851	350 0 0	do R.H. Hamilton, resigned.
John Jordan	1st Landing Waiter	do do	150 0 0	do Thomas Thain, do
Léon Globensky . . .	2nd do do	do do	125 0 0	do Henry Pratt, removed.
Edward Vennor . . .	3rd do do	do do	75 0 0	
John Gray	4th do do	do do	100 0 0	
Francis Campion . . .	Clerk to Surveyor	do do	150 0 0	do William King, promoted.
R. Hampson	Assistant do to do	do do	125 0 0	
John Lewis	1st Clerk	do do	200 0 0	do J.W. Oliver, removed.
J.H. Travers	2nd do	do do	150 0 0	do John Lewis, promoted.
William King	3rd do	do do	125 0 0	do J.H. Travers, do
Thomas Bell	Appraiser	26th May, 1851	125 0 0	do J.J. King, resigned.
J.B. Routier	Locker	do do	100 0 0	
William McWider . . .	Ex: Warehouse-keeper	do do	125 0 0	
John Douglas	Sampler and Weigher	do do	50 0 0	
William Scholes . . .	House-keeper and Messenger.	do do	80 0 0	
			£2630 0 0	

Inspector General's Office,
Customs Department,
Toronto, 10th June, 1851.

R.S.M. BOUCHETTE,
Com. Customs.

every credit for their desire to explain everything, and concluded by mentioning the names of hon. members, which he proposed to put on the committee. The hon. gentleman was nearly inaudible throughout.¹³

(80)

Public
Accounts.

Mr. Christie moved, seconded by the Honorable Mr. LaTerrière, and the Question being proposed, That the Public Accounts of the year 1850, be referred to a Select Committee, composed of the Honorable Mr. Badgley, the Honorable Mr. Robinson, Mr. DeWitt, Mr. Armstrong, Mr. Polette, Mr. Sauvageau, Mr. Sherwood of Brockville, Mr. Richards, Mr. McLean, Mr. McFarland, and the mover, to report from time to time; with power to send for persons, papers, and records;

MR. H. BOULTON supported the motion, and alluded to many items of expenditure which could not be justified. He found £194 set down for a minister's journey to Washington,¹⁴ for the fruitless reciprocity embassies,¹⁵ which was certainly more than the house would have voted had they been asked to vote before the journey took place; and there were a host of similar items equally indefensible, because equally disproportioned to the labours performed.¹⁶ The amounts paid to the Queen's Printer and Government newspapers, to Mr. Glackmeyer for looking after the Quebec Fire Debentures, and to Mr. Boston for looking after Mr. Glackmeyer; the last amounting to £125. He compared these sums with the amount of the interest payable on these loans, to show how exorbitant they were in proportion to any services rendered. He also remarked on the payment to the Rebellion Losses Commissioners, the payments to the troops sent to Mica Bay, &c.¹⁷ Ministers should watch the expenditure of the public money even more rigidly than though it were their own, and with a constant remembrance of the fact that their accounts were open to the inspection of the house, and ought to be carefully looked into by every member. A course the reverse of this was pursued, and private members, if they make any inquiry upon the subject, were told that they had no business with it.¹⁸ He concluded by moving an amendment¹⁹.

(80)

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Stevenson, That all the words after "Committee" to the word "mover" inclusive, be left out, and the words "of five Members to be named by the House," inserted instead thereof;

MR. INSP. GEN. HINCKS said that there was no desire on the part of the Government to resist the motion, to which they could make no objection. He should not enter into the discussion of all the details which had been adverted to, because the whole would come finally under review when the estimates were laid before the house. Reference had frequently been made to the expenditure²⁰ for troops, and for the services of W.B. Robinson, Esq.²¹, that took place in connection with the Mica Bay riot, but the Government would have been liable to severe animadversion if on that occasion they had failed to send the assistance for which application had been made. Much had been said, at different times, of the Commissioners' expense in relation to the Rebellion Losses; but it was intended that the whole should be paid out of the £100,000,²² in accordance with the Act, which appropriated a certain allowance to the Commissioners during the period of their services; that was put down as under the Act²³, and, therefore, that no part of the expenses of the commission should fall on the Consolidated Fund.²⁴ The other sum was also intended to come out of the £100,000, but could not be entered under the Act, because the Act had expired.²⁵ Then with regard to the cost of the journey to Washington; the House were aware that Sir H. Bulwer, the English Minister to the United States, was endeavouring to bring about reciprocity with this country; and that her Majesty's Government were doing the same. If Sir H. Bulwer

wrote to the Governor General of this Province, asking his Excellency to depute some one to visit Washington to assist him in carrying out his negotiations, and in affording information which it was desirable to have on the spot--could this Government have refused to comply with the request because it would entail the expenditure of some²⁶ paltry sum like²⁷ £100 for expenses? Such a sum could not be named in connection with a subject which all admitted to be of vital importance to the Province.²⁸ Not one of the persons sent put a six-pence into his pocket.²⁹ The amount paid to the Queen's Printer was another favourite topic in and out of the House; as though the sum paid to that gentleman was wholly gratuitous, instead of being--as was the fact--in consideration of work done for the Government.³⁰ No one could judge whether the Queen's printer got too much till they considered what was done for it.³¹ He would venture to say that the charges made by the Queen's Printer for printing did not exceed those which would be charged by any other printer, capable of producing equal work in equal time.³²

MR. AT. GEN. BALDWIN said the hon. member for Gaspe has made allusions to Queen's Counsel generally. He entirely dissented from the doctrines of the hon. gentleman. He was satisfied that the country desire this business to be done by the leading members of the profession, and it seemed to him that the leading members of that profession had always been and will be, members of this House, and it was most unjust and ungenerous to prevent such gentlemen from transacting that business, chiefly because this and that county had reposed sufficient confidence in them as to send them here as their representatives. He was satisfied that if they conducted themselves towards their public men as if they were thieves and rogues and robbers, they go a great way towards making them so. If they entertain a high opinion of thier public men, they will get men of integrity and honour to come forward. He then alluded to the remarks of the hon. member for Norfolk, and considered that the sums had been voted, although not in the items in which they are inserted.³³

The discussion was continued for some time in a very desultory manner³⁴.

MR. W. BOULTON showed a book, which he said contained the Statutes³⁵ to the acts and resolves of the State of Massachusetts, containing 800,000 people³⁶ in a very small octave volume, and expressed his desire that the Canadian law might be drawn with sufficient clearness and brevity to admit of their being compressed into as small a compass.³⁷ [He] contrasted the size and expense of these with the size and expense of ours.... He did not say that the sum paid for printing and binding was more than what was necessary for the work, but still it showed the necessity of lessening it.³⁸

The debate then returned to the subject of the employment of Queen's Counsel.³⁹

MR. H. SHERWOOD made allusion to the Queen's Counsel, and while agreeing with the hon. Attorney General that the leading men of the profession should be employed, he considered that the members of the present Government had made it a political instead of a professional business. They had invariably employed members of the profession to do that business, because they would assist them to carry out their political ends. He had always acted differently when he was Attorney General, and had acted upon the mode carried out in England in reference to the employment of Queen's Counsel.⁴⁰ He had ... always employed Queen's Counsel, in preference to any other Counsel, when gentlemen distinguished in this way were to be had.⁴¹ He knew of several instances where able men had gone the circuit, men who had held high public offices under Government, and these gentlemen had been obliged to sit and hear young men acting as Queen's Counsel, who were neither fitted by age nor experience for the position. He then alluded to the remarks of his hon. colleague, in reference to the printing of the Statutes.

He said our laws were filled with words having no meaning at all, simply by adhering to a form which had existed for centuries in England. These words without meaning occupy full three-fourths of the whole Act, so that at least one-fourth of the matter would contain the whole law. He hoped that Government would come down with some system that would do away with all that unnecessary printing.⁴²

MR. H. BOULTON followed in the same course. He said there was not a single act that had been introduced by the Government but was filled with words which rendered the principle it was intended to embody, perfectly obnoxious. The immense mass of words in which their meaning was enveloped, rendered the measures entirely unfitted to be understood. The hon. member for Toronto had showed a small pamphlet containing the Acts of the State of Massachusetts. It was not larger than Schobie's Almanac, and yet it contained 332 Acts.⁴³

MR. MALLOCH, roughly, they are as much too short as ours are too long.⁴⁴

MR. H. BOULTON said he was entirely mistaken. They were not too short.⁴⁵

MR. MALLOCH would bet fifty dollars they were.⁴⁶

MR. MORIN the SPEAKER rose to order, and made several remarks.⁴⁷

MR. H. BOULTON then proceeded, and referred to the Queen's Counsel, and stated that⁴⁸ the consequence of adopting the present system was that prosecutions had been conducted in the most slovenly manner⁴⁹ for some time back⁵⁰, so that criminals had been repeatedly acquitted from the want of knowledge of the Counsel.⁵¹

MR. INSP. GEN. HINCKS.--Name, name.⁵²

MR. H. BOULTON.--No; it was unparliamentary; but grant him a committee and he would prove the charges.⁵³

Name, name.⁵⁴

MR. H. BOULTON [continued:] No, he would not take advantage of his position in Parliament to bring forward any such names, but grant him a committee and he would easily prove the charges.⁵⁵ [He] could not understand the course of the hon. member for Gaspé who had first complained that certain members of this House had received public money, and then moving to put one of them on a committee to enquire into their own expenditure.⁵⁶ He concluded by moving that the Accounts be referred to a committee of five.⁵⁷

COL. PRINCE believed that there was no necessity for a debate. Had the hon. Inspector General just kept his seat, and allowed the motion of his hon. friend from Gaspé to pass, the thing would have been settled in five minutes. The learned gentleman then referred to the appointment of Queen's Counsel, and passed a very high eulogium on the Attorney General for conferring the honor upon learned and deserving young men. But he blamed the administration for passing over able and efficient Queen's Counsel to give favor to others who would further their own political ends. Young men are employed who are not competent to it, and through whose inefficiency felons have escaped from justice. Why then does the Attorney General do so? He is afraid of the pressure of the Press. They think too highly of the Press in this country; it is a moral cowardice to act so. However powerful a Press may be, it can never bear down honesty of purpose. However much any paper may rail against an administration for appointing those who may differ from them, yet in the long run, truth and virtue will find their level, and will be respected the more because for having been appointed by men who think differently from themselves. The hon. Attorney General had been afraid to act contrary to what he thought public opinion promulgated thro' the press might be. He was almost certain this was his last session upon the floor of this House. He had no doubt it was--and⁵⁸ he therefore desired to say this much,⁵⁹

that he once had a silk gown and had defended many rogues and got them liberated, chiefly in consequence of the want of efficiency of those prosecuted for the Crown. He felt disgusted at such proceedings and had thrown his gown to the winds⁶⁰, but that if he ever spoke with disrespect of the hon. member at the head of the government, it was because he was stung, and he should feel stung⁶¹ to the quick to think that any one would have the audacity to send him his dismissal when he himself resigned.⁶²

MR. AT. GEN. BALDWIN replied at some length to the remarks made by the hon. members for Essex and Toronto in reference to appointing gentlemen as Queen's Counsel⁶³ for political reasons⁶⁴. He did not think that Government practised a system of exclusion, but a system of selection. He referred to the resignation of the member for Essex, and said if he would examine the subject he would see that the two letters must have passed each other in the post-office.⁶⁵

COL. PRINCE had very carefully studied the dates and could say that unless the post miscarried, his letter must have been in the hands of the Government forty-eight hours before the⁶⁶ one containing his dismissal was written. But the sting of the insult⁶⁷, the real arrow corroding in his bosom⁶⁸ was that a month after the letter containing his dismissal, a patent of dismissal was sent.⁶⁹ He repeated⁷⁰ this patent was a public insult, and, if he could have brought the⁷¹ man at the head of the Government to justice--not to the justice of the bar--⁷² he would have done it, but there was no one to stand by him.⁷³

MR. MORIN the SPEAKER proceeded to read out the list of committee⁷⁴.

MR. MERRITT considered all the Retrenchment Committees since the Union to be perfectly useless and mere farces. He went over some items of the expenditure of the Province, and said the Finance Committees were of very little use to inquire into them; and hoped the hon. member for Gaspé would withdraw his motion.⁷⁵

SIR A. MACNAB would vote for the original motion; and observed with reference to Queen's Counsel, that he had the most reason to complain, as in 1839 or 1840 he had been appointed Queen's Counsel, and had been given to understand that he was to have some of the Crown business in order to repay him for services to the country. He got the gown but not the business.⁷⁶

MR. J. CAMERON made allusion to the conducting of an assize by a junior counsel, where the business had not been conducted in a way to satisfy the ends of justice.⁷⁷

MR. AT. GEN. BALDWIN explained that in that case which had already been alluded to, the person appointed was unable to attend, and the junior counsel had conducted the business.⁷⁸

MR. H. SMITH (Frontenac) stated that he had asked last session for returns of Queen's Counsel, and did so because he wanted to expose the wholesale corruption that the Government made use of to reward their supporters. He should not oppose so much the payment of Queen's Counsel, provided a few only were employed, and those possessing sufficient capacity; but he did object to the system of the Attorney's General never going into the Courts, and conducting the business of the Crown there.⁷⁹ The Attorney General did not take his share of the public business, so all this money was paid for persons to conduct the business.⁸⁰ That was their duty, and it was done under the late administration. The country would rather see the Attorneys' General attending to their proper business than making long election bills which nobody wanted. He repeated, and there was no need of any attempt to conceal it, that a wholesale system of bribery and corruption was established by this Queen's Counsel business; and political partisans in and out of the House were rewarded by it. Inefficient men were employed, and he might notice the last assizes at Kingston as an illustration.

He would not mention any names; but he would state that only one conviction had been made,⁸¹ and there would not have been one conviction had not a poor woman pleaded guilty. Now, if the Attorney General wishes the business done, he (Mr. Smith) begged of him to change his mind for the future and do some of the public business. He would rather see him at the assizes than making long municipal acts that nobody cared about.... The country wanted men of energy and experience to conduct the public business. He had seen good elections made, but in this wholesale system that Government had lately adopted, the business was not at all attended to.⁸²

MR. RICHARDS made a reply to the member for Frontenac.⁸³ He had spent more money in supporting his principles, than he had received from the Queen's Counsel business.⁸⁴ He was surprised that the hon. member should have the effrontery to make a comparison between the late Attorney General and the present one⁸⁵, which he believed would be in favour of the present.⁸⁶ Was it notorious that he had attended the business to the detriment of his health. He considered it unjust to the member for Frontenac to make a charge against the gentleman who conducted the Assizes at Kingston.⁸⁷ He did not think the allusions made by the hon. member either proper or generous.⁸⁸

MR. G. SHERWOOD made some remarks upon the public accounts⁸⁹, [and] said that he would vote for the amendment.⁹⁰

MR. MORRISON taunted Mr. H.J. Boulton with a change of sentiments, contemporaneous with a change of sides of the House, and after he had taken away the loaves and fishes. But he (Mr.M.) was in favour of abolishing Queen's Counsel altogether⁹¹, and also the system of going the circuit.⁹² (Loud cries of hear.)⁹³

MR. H. BOULTON, (Norfolk).--Bring in the bill and we will support it.⁹⁴

MR. MORRISON [continued:] The attack upon the Attorney-General was ungenerous and unjust--and⁹⁵ he would say that when the hon. member for Norfolk brings a charge of bribery and corruption against the hon. Attorney General, he knew that not ten men in the Province will believe him.⁹⁶

MR. H. BOULTON said he did not say so.⁹⁷

MR. H. SMITH, of Frontenac, said he said so.⁹⁸

MR. MORRISON.--The hon. member for Frontenac says "I said so." If he (Mr. M.) chose to refer to the Journals of the House he could show where bribery and corruption were. He felt indignant at the hon. member for Frontenac to make so unfeeling an attack upon the hon. Attorney-General. The attack upon the person who conducted the business at Kingston was also ungenerous. He did not look upon the fact of making convictions as in any way indicative of talent or high legal attainments. He thought, however, that the attacks made upon the Queen's Counsel would tend rapidly to abolish Queen's Counsel altogether, as well as the practice of going the circuit. He referred to the appointments lately made, and said the Tories never appointed their enemies to silk gowns.⁹⁹

MR. H. SMITH (Frontenac) begged leave to say they did. They appointed Mr. Sullivan.¹⁰⁰

MR. MORRISON.--They did so, because although they had assurance, they had not the assurance to pass over Mr. Sullivan. The appointments lately made had given almost universal satisfaction, and had met the general approbation of the profession. Under all the circumstances, he hoped the discussion would end in the abolition of Queen's Counsel altogether.¹⁰¹ He concluded by expressing an opinion in favour of establishing a public prosecutor in every district.¹⁰²

MR. J. SMITH (Durham) thought the attack of the hon. member for Frontenac,

as most unjustifiable. If there is anything for which the Attorney General is to blame, it is the devotion he bestows upon the duties of his office. When the member for Frontenac wishes to attack the hon. Attorney General, he must find something else than want of attention to his duties. He hoped that every professional man would get up in his place and support the hon. Attorney General, as he had a right to expect that, especially from every member of the profession, if they feel that the attack is unjustifiable.¹⁰³

MR. MACDONALD (of Kingston) did not think the Attorney General could attend to his other duties and go upon circuit too. He went on to show the duties performed by former Attorney Generals. But while he acknowledged that the Attorney General had been fully employed, he could not conceal that the expenses of conducting criminal business had been much increased by his not attending to it. He corroborated Mr. Smith's assertion relative to the inefficient manner in which the Crown business had been conducted, and alluded to a case of poisoning at Kingston, in which he said a letter had been written to the Attorney General by the Coroner, who was a medical man, requesting him to come down himself, or send an efficient man in his stead, as the case was of great importance, and the evidence intricate. The kind of poisoning was new in this country, and the Coroner stated that he had no kind of doubt of the guilt of the woman who was accused; yet she got off, and this was in consequence of the incompetency of the person sent down to conduct the case. He stated that the late Government had employed Queen's Counsel in all cases with reference to their ability, and again and again had employed Messrs. Blake, Burns, and Sullivan.¹⁰⁴

MR. AT. GEN. BALDWIN was nearly inaudible in the Reporter's Gallery, but he was understood to make some remarks on the appointments of Queen's Counsel by the Government. With reference to Mr. McDonald's remarks, he said that he perfectly well remembered having received the letter alluded to; but at that time he had arranged with the person whom he would send down, and he considered him perfectly well able to conduct the business of the term. He was an older professional man than himself (Mr. B.)¹⁰⁵.

(81)

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Public Accounts of the year 1850 be referred to a Select Committee, composed of the Honorable Mr. Badgley, the Honorable Mr. Robinson, Mr. DeWitt, Mr. Armstrong, Mr. Polette, Mr. Sauvageau, Mr. Sherwood of Brockville, Mr. Richards, Mr. McLean, Mr. McFarland, and the mover, to report thereon from time to time; with power to send for persons, papers, and records;

Mr. Sherwood of Brockville moved in amendment to the Question, seconded by Mr. Smith of Frontenac, That the words "Mr. Sherwood of Brockville" be left out, and the words "the Honorable Mr. Merritt" inserted instead thereof;

MR. H. SMITH (Frontenac) seconded the motion for two reasons. First, that they might get the services of the hon. member for Lincoln¹⁰⁶. His views in office differed from his views when out, and because his services might be valuable. He went on to attack Mr. Merritt for inconsistency; and to make some explanations of his former remarks.¹⁰⁷ Second, ... he might have an opportunity of replying to the remarks made by the hon. member for the second riding of York. He wished an answer to the question from that gentleman, if he meant him when he said that if he could point to the journals of the House he would see bribery and corruption.¹⁰⁸

MR. MORRISON denied that he meant Mr. Smith; who showed all the Queen's Coun-

sel business he had done, which he stated had been at the expense of his private business.¹⁰⁹ [He] said he alluded to the system. He said the journals would show bribery and corruption, and if the hon. gentleman took it to himself he might do so. He considered it an unfeeling and ungenerous attack, made upon the hon. Attorney General. And why was it so? Because at the time of which so much was said, the hon. Attorney General was confined to his room by indisposition, and the great fault had been that a relative of the hon. gentleman, a member of the Upper House, had been sent for, to conduct that business. That made it ungenerous and unfeeling.¹¹⁰

MR. MERRITT requested that the House would not put his name on the committee.¹¹¹

MR. MORRISON made a few more remarks¹¹².

MR. INSP. GEN. HINCKS wound up with a general reply to all the remarks and attacks which had been made¹¹³, and ... showed the sums paid to the Queen's Counsel under the late Administration.¹¹⁴

MR. COM. CR. LANDS PRICE regretted that so much time had been wasted on this matter. He had looked at the subject, and found that in 1844, the sum of £1,668, while in 1850, £1,120 had been expended, and it was well known that the business had increased greatly since 1844. The hon. gentleman then alluded to the number of Assizes which the Solicitor General had attended, and said that had the hon. Attorney General attended the same number, there would have been a saving of £300 or £400 to the country; but, would that sum have counterbalanced for the loss which the Government would have sustained in being deprived of his services? He had often heard the hon. member for Lincoln say, that it would be much better for the country if the Attorney General were not to attend the Assizes at all, for in his absence on that duty, his colleagues were prevented from proceeding with the business of the country.¹¹⁵ [He] protested that it was ungenerous and unmanly to attack a man who was absent and could not reply.¹¹⁶

MR. SHERWOOD, after a few remarks in reply to Mr. Price, contended that in the selection of Queen's Counsel, impartiality as to politics should be used, and the most able men employed. As matters stood here, he was not prepared to say that it would not be better to resort to the English custom of employing private prosecutors, and then the Attorney Generals could devote their whole time to the business of the Government; and he was very well aware that the presence of the Attorney General was always required at the Seat of Government. The present system was a means of corruption.¹¹⁷

(81)

And the Question being put on the Amendment; the House divided;--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Public Accounts of the year 1850 be referred to a Select Committee, composed of Mr. Christie, the Honorable Mr. Badgley, the Honorable Mr. Robinson, Mr. DeWitt, Mr. Armstrong, Mr. Polette, Mr. Sauvageau, the Honorable Mr. Merrit, Mr. Richards, Mr. McLean, and Mr. McFarland, to report thereon from time to time; with power to send for persons, papers, and records.

Land Survey-
ors' Act
Amendment
Bill.

Ordered, That the Honorable Mr. Price have leave to bring
in a Bill to amend the Land Surveyors' Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Census Acts.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, That this House do now resolve itself into a Committee to consider the expediency of amending the Census Acts;

The Honorable Mr. Hincks, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommend it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

*Mr. Scott of Bytown took the Chair of the Committee;*¹¹⁸

MR. INSP. GEN. HINCKS moved a set of resolutions on the subject of the census. He began by stating that the present census law in Lower Canada had been found perfectly inoperative¹¹⁹. It had been found impossible ... to take any census, and in the upper section of the Province the machinery was by no means so good as it ought to be.¹²⁰ A new plan was therefore found necessary, and¹²¹ he therefore proposed to adopt a plan similar to that in practice in England and in the United States, which¹²² was found to work so well that it was thought better to adopt the system of taking the census in the same way, by officers appointed by Government.¹²³ In each county one officer, appointed by the Government, ... would be called Census' Officer, to take the superintendence of the matter, being allowed to appoint a sufficient number of enumerators, dividing the counties into convenient districts, and exercising supervision over the same. It was proposed to invest the general direction under a Board of Registration, who would issue the necessary forms to the officers; the information sought not to be less than that obtained under the existing law, and to be increased at the discretion of the Board¹²⁴, if it were thought proper. The United States remuneration would be adopted for daily pay, with a certain sum per hundred persons; but in addition to this, he proposed to give a certain increased rate to compensate for the increased trouble of preparing for the Canadian Census a larger amount of information than for the American.--This would be 33 1-3 per cent higher than the American rate. As there would be much greater trouble in taking the census in some places than in others, the rate of pay would be different in accordance with the number of persons residing in the square mile. Government would, as in England, provide the forms containing blanks for the information required.¹²⁵ The hon. gentleman moved the first of the resolutions of which he had given notice, namely, "That it is expedient that a general Census of this Province be taken early in 1852, and every tenth year thereafter."¹²⁶

MR. MERRITT objected to the creation of a new and expensive department to supercede machinery which, so far as regards Upper Canada, had been found to work efficiently.¹²⁷ The census was taken very well now, and all that could be necessary to insure the additional information required, would be just to pass a law, and have forms ruled with additional columns.¹²⁸

MR. J. SMITH (Durham) said, the census just taken in Upper Canada was perfectly good--it had been just taken; and it cost thousands of pounds. Why then take it again at an additional cost? If Lower Canada had not taken it she should be made to do it. She had the same law as Upper Canada, and could do it as well.¹²⁹

MR. LETELLIER and other Lower Canadian members, spoke in French, in favor of the bill.¹³⁰ Mr. Letellier thought the consideration of money was a very small matter, in so important an object, especially when it was remembered how much Lower Canada contributed to the revenues of the United Provinces, and how little had been spent for local improvements. It was most important to have the census taken, and it could not be taken by the municipalities, because they were at

present too immature. Considering whence came the greater part of the revenue of the Province and their relative position, he thought the House would agree at once to pay for the census.¹³¹

MR. ROBINSON did not see why the census could not be taken in Lower, as well as in Upper Canada, and¹³² he could not see why Lower Canada should not pay for it in the same way.¹³³ The hon. gentleman was understood to say that he was not aware of complaints on the subject in Upper Canada.¹³⁴

MR. INSP. GEN. HINCKS said the Government had received numbers of complaints from both sections.¹³⁵ The only difference was that in Upper Canada they took the census, and wanted to be paid afterwards for it; and that in Lower Canada they did not take the census, because they had not got the money first.¹³⁶

MR. MERRITT said if there were complaints, they were unfounded. He would vote for the measure if necessary; but why put Upper Canada to the expense of repeating what had been done?¹³⁷

MR. MCCONNELL was sure there were some counties in Lower Canada--his own for example--where the census was well taken.¹³⁸

MR. SHERWOOD objected to charging the whole Province with the cost of the census in Lower Canada, which should bear the expenses totally, as was already done in Upper Canada.¹³⁹

MR. INSP. GEN. HINCKS said it was not a matter of much practical importance whether the cost were borne by the consolidated fund, or by the municipalities.¹⁴⁰ It was clear the census could not be taken in Lower Canada, except by Government.¹⁴¹ This, however, was certain, that the charge must be borne in the same manner in both Upper and Lower Canada. In England and the United States, the Government bear the whole expenses.¹⁴² Now, it could not be paid for by Government in Lower Canada, unless it was paid for in the same way in Upper Canada. Therefore it must be taken throughout the country by the same means. Then as to the propriety of taking it in both Provinces, in 1852, it must be evident that it was of the utmost importance that it should be taken at the same time in both sections of the Province.¹⁴³

MR. J. SMITH, of Durham, moved that the chairman rise, report progress, and ask leave to sit again.¹⁴⁴

The amendment was lost¹⁴⁵, without a division.¹⁴⁶

The first resolution was carried, declaring the expediency of taking the census in 1852, in 1860; and then in every tenth year.¹⁴⁷

The other resolutions affirmed that the census should be under the superintendence of the Board of Registration, which should prepare the forms for taking the census, under the superintendence of census officers, to be appointed in the several counties in the Province; that the census officers should appoint enumerators in each parish or other division, who should make their returns to the census officer; that each census officer should receive \$2½ per diem, for the time occupied in their official duties, and the enumerators an allowance ranging according to circumstances.¹⁴⁸

(81)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Scott of Bytown reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Monday next.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Richards,

The House adjourned until Monday next.

APPENDIX: 13 JUNE 1851.

[WITHDRAWN MOTION RE: PRINTING MR. KEEFER'S REPORT.]¹⁴⁹

MR. MERRITT presented the report of Mr. Keefer to the Commissioners of Public Works on the Champlain Canal,¹⁵⁰ on the removal of bars from the St. Lawrence¹⁵¹, and deepening the St. Lawrence, and moved that they be printed¹⁵², for the use of members, in connection with the debate on the navigation of that river.¹⁵³

MR. INSP. GEN. HINCKS said this report formed part of the¹⁵⁴ general report of the Board of Public Works¹⁵⁵, which had been presented to the Legislative Council yesterday, and by them ordered to be printed. He thought they would be ready in about ten days¹⁵⁶, as the document referred to was already in the printer's hands¹⁵⁷.

MR. MERRITT maintained that the issue of Mr. Keefer's report, before the whole of the official documents could be completed, was¹⁵⁸ of vital importance,¹⁵⁹ in order to understand his resolution on the subject of Ocean Steam Navigation;¹⁶⁰ as that gentleman showed that for £20,000 or £25,000¹⁶¹ [OR] for ten or fifteen thousand pounds, the navigation might be opened so as to permit of a vessel descending from Lake Ontario to the Sea with 10,000 barrels of flour.¹⁶² His only object was to get the information before the House.¹⁶³

MR. INSP. GEN. HINCKS still opposed the motion, ... he¹⁶⁴ said the object of the member for Lincoln was to anticipate the printing of the general report by getting this particular document printed first, to place, in fact, a garbled statement of the case before the House in the absence of the reasons which the chief commissioner of Public Works had to offer on the subject.¹⁶⁵ No vote would be asked until the whole of the papers were in the hands of members. It seemed to him that it would be wrong, merely in order to sustain one of the crotchets of the member for Lincoln, to print the Engineer's statement, without printing along with it the remarks of the Board of Works on the same subject.¹⁶⁶

MR. ROBINSON thought that "crotchet" was a term rather too hard to apply to an opinion of the member for Lincoln, based upon a survey which involved the expenditure of a considerable sum. He (Mr. R.) deemed the matter of so much importance, that it was very desirable that the whole report should be presented as early as possible.¹⁶⁷ It might be printed, and distributed, and the type used again for the general reports.¹⁶⁸

MR. H. BOULTON incidentally remarked on the inconvenience of the shape in which official reports are printed, and suggested the adoption of the 8vo. instead of the folio form.¹⁶⁹

MR. INSP. GEN. HINCKS, in answer to a question, said the report of the Board of Works had been presented to the Legislative Council, who had ordered it to be printed; and copies would also be printed for the use of this House.¹⁷⁰

MR. W. BOULTON said it was rather anomalous [sic] that¹⁷¹ an important public document belonging to this house¹⁷² should be printed by order of the Legislative Council, instead of this House, as had heretofore been the case.¹⁷³ But the printer of the other House was not the printer for this, and there was probably some dodging about it; it might have been considered desirable to give him a good job. He (Mr. Boulton) wanted no garbled statement published, let the report of the late commissioner on Public Works and the remarks of the present head of the department be printed together.¹⁷⁴

MR. DEWITT remarked on the impolicy of withholding information which had a

most important bearing on the navigation of the Saint Lawrence.¹⁷⁵ The object of this report was to improve the navigation of the Lower St. Lawrence, and to reduce the freights, whose present high rate forced goods to go through the United States.¹⁷⁶ Bearing in mind the strenuous efforts that are being made in the United States to divert trade from Canadian channels, it was extremely desirable that we should, without loss of time, do our utmost to improve the channel of the St. Lawrence, and, by reducing the cost of navigation, largely increase our trade.¹⁷⁷

MR. MERRITT then declared that this was a suppression of the most important information; and he compared the course taken here, with that which prevailed in the State of New York. Here in Canada these reports did not come down till the very end of the Session, when there was no time to examine them.¹⁷⁸ In the United States, the reports of the various governmental departments were presented to Congress as soon as the session commenced, and the members were then enabled to study their contents, and bring them to bear upon the general business of the country. In this country, again, there was a systematic attempt to withhold information from Parliament until it was too late to be of service, and the consequences were felt injuriously session after session. He was convinced that the report which he proposed to have printed, contained information which every member must admit to be of great importance to the whole Province.¹⁷⁹ These reports had nothing to do with the general report of the Board, and were most valuable in connection with the subject of Ocean Steamers.¹⁸⁰

SIR A. MACNAB said it was scarcely right to refuse to print documents which were stated to be of great value, while no objections were made to the printing of petitions and bills of a mere private nature. He had heard no good reason for resisting the motion.¹⁸¹

MR. INSP. GEN. HINCKS repeated his objection to the printing of a garbled statement, in anticipation of documents which would altogether counteract many of his statements. The whole would be ready, he believed, in ten days.¹⁸²

SIR A. MACNAB deemed this explanation satisfactory.¹⁸³

MR. H. BOULTON apprehended that some trickery was in operation, or the Printer of the Legislative Council would not be allowed in this case also to be the Printer of this House. He had examined the documents that had been referred to, and was satisfied that their printing would require much time, while the report moved for might be ready in forty-eight hours. He moved, in amendment, that the Report of the Commissioners of Public Works be printed in 8vo., and that the report of the late Commissioner, in the Appendix, be first printed¹⁸⁴, and distributed.¹⁸⁵

MR. SOL. GEN. MACDONALD stated that the printer of the Appendices of this House--which would include these documents--was also printer to the Legislative Council.¹⁸⁶

MR. CAYLEY then stated that the comments of the present Commissioners on Mr. Keefer's report were only about half a dozen lines, stating that the report was a little contradictory, and they had not had time to read it.¹⁸⁷

MR. MERRITT then withdrew his motion.¹⁸⁸

MR. H. BOULTON withdrew his amendment.¹⁸⁹

The subject dropped.¹⁹⁰

[CLOSED DOOR DEBATE RE: NUMBER OF GALLERY SEATS TO BE RESERVED
FOR LADIES.]¹⁹¹

The House sat with closed doors from three till four this afternoon, in order to discuss a question or questions pertaining to privilege. We understand that the point which required discussion without the presence of Reporters, had reference to the admission of ladies, and the number of seats that should be provided for their accommodation.¹⁹²

FOOTNOTES: 13 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 16 June 1851, MORNING CHRONICLE, 16 June 1851, BRITISH WHIG, 16 June 1851, MONTREAL TRANSCRIPT, 17 June 1851; BRITISH COLONIST, 17 June 1851, and NORTH AMERICAN, 20 June 1851. The following papers reported the debate in partially identical accounts: GLOBE, 14 June 1851, PILOT, 21 June 1851, and BATHURST COURIER, 24 June 1851. The debate was also reported by EXAMINER, 18 June 1851.
2. GLOBE, 14 June 1851.
3. BRITISH COLONIST, 17 June 1851.
4. GLOBE, 14 June 1851.
5. BRITISH COLONIST, 17 June 1851.
6. GLOBE, 14 June 1851.
7. BRITISH COLONIST, 17 June 1851.
8. GLOBE, 14 June 1851.
9. BRITISH COLONIST, 17 June 1851.
10. GLOBE, 14 June 1851.
11. EXAMINER, 18 June 1851.
12. IBID.
13. BRITISH COLONIST, 17 June 1851.
14. GLOBE, 14 June 1851.
15. BRITISH COLONIST, 17 June 1851.
16. GLOBE, 14 June 1851.
17. BRITISH COLONIST, 17 June 1851.
18. GLOBE, 14 June 1851.
19. BRITISH COLONIST, 17 June 1851.
20. GLOBE, 14 June 1851.
21. BRITISH COLONIST, 17 June 1851.
22. GLOBE, 14 June 1851.
23. BRITISH COLONIST, 17 June 1851.
24. GLOBE, 14 June 1851.
25. BRITISH COLONIST, 17 June 1851.
26. GLOBE, 14 June 1851.
27. BRITISH COLONIST, 17 June 1851.
28. GLOBE, 14 June 1851.
29. BRITISH COLONIST, 17 June 1851.
30. GLOBE, 14 June 1851.
31. BRITISH COLONIST, 17 June 1851.
32. GLOBE, 14 June 1851.
33. IBID.
34. BRITISH COLONIST, 17 June 1851.
35. IBID.
36. GLOBE, 14 June 1851.
37. BRITISH COLONIST, 17 June 1851.
38. GLOBE, 14 June 1851.
39. BRITISH COLONIST, 17 June 1851.
40. GLOBE, 14 June 1851.
41. BRITISH COLONIST, 17 June 1851.
42. GLOBE, 14 June 1851.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.

49. BRITISH COLONIST, 17 June 1851.
50. GLOBE, 14 June 1851.
51. BRITISH COLONIST, 17 June 1851.
52. GLOBE, 14 June 1851.
53. IBID.
54. IBID.
55. IBID.
56. EXAMINER, 18 June 1851.
57. GLOBE, 14 June 1851.
58. IBID.
59. BRITISH COLONIST, 17 June 1851.
60. GLOBE, 14 June 1851.
61. BRITISH COLONIST, 17 June 1851.
62. GLOBE, 14 June 1851.
63. IBID.
64. BRITISH COLONIST, 17 June 1851.
65. GLOBE, 14 June 1851.
66. BRITISH COLONIST, 17 June 1851.
67. GLOBE, 14 June 1851.
68. BRITISH COLONIST, 17 June 1851.
69. GLOBE, 14 June 1851.
70. BRITISH COLONIST, 17 June 1851.
71. GLOBE, 14 June 1851.
72. BRITISH COLONIST, 17 June 1851.
73. GLOBE, 14 June 1851.
74. IBID.
75. BRITISH COLONIST, 17 June 1851.
76. IBID.
77. GLOBE, 14 June 1851.
78. IBID.
79. BRITISH COLONIST, 17 June 1851.
80. GLOBE, 14 June 1851.
81. BRITISH COLONIST, 17 June 1851.
82. GLOBE, 14 June 1851.
83. IBID.
84. BRITISH COLONIST, 17 June 1851.
85. GLOBE, 14 June 1851.
86. BRITISH COLONIST, 17 June 1851.
87. GLOBE, 14 June 1851.
88. BRITISH COLONIST, 17 June 1851.
89. GLOBE, 14 June 1851.
90. BRITISH COLONIST, 17 June 1851.
91. IBID.
92. GLOBE, 14 June 1851.
93. BRITISH COLONIST, 17 June 1851.
94. GLOBE, 14 June 1851.
95. BRITISH COLONIST, 17 June 1851.
96. GLOBE, 14 June 1851.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. BRITISH COLONIST, 17 June 1851.
103. PILOT, 21 June 1851.

104. BRITISH COLONIST, 17 June 1851.
105. IBID.
106. PILOT, 21 June 1851.
107. BRITISH COLONIST, 17 June 1851.
108. PILOT, 21 June 1851.
109. BRITISH COLONIST, 17 June 1851.
110. PILOT, 21 June 1851.
111. BRITISH COLONIST, 17 June 1851.
112. IBID.
113. PILOT, 21 June 1851.
114. BRITISH COLONIST, 17 June 1851.
115. PILOT, 21 June 1851.
116. BRITISH COLONIST, 17 June 1851.
117. IBID.
118. The following papers reported the debate on this matter in identical accounts: GLOBE, 14 June 1851, PILOT, 21 June 1851; BRITISH COLONIST, 17 June 1851, and NORTH AMERICAN, 20 June 1851. The following papers reported the debate in partially identical accounts: MONTREAL GAZETTE, 16 June 1851, MORNING CHRONICLE, 16 June 1851, BRITISH WHIG, 16 June 1851, MONTREAL TRANSCRIPT, 17 June 1851, and LA MINERVE, 16 June 1851. The debate was noted by EXAMINER, 18 June 1851.
119. BRITISH COLONIST, 17 June 1851.
120. PILOT, 21 June 1851.
121. BRITISH COLONIST, 17 June 1851.
122. PILOT, 21 June 1851.
123. BRITISH COLONIST, 17 June 1851.
124. PILOT, 21 June 1851.
125. BRITISH COLONIST, 17 June 1851.
126. PILOT, 21 June 1851.
127. IBID.
128. BRITISH COLONIST, 17 June 1851.
129. IBID.
130. PILOT, 21 June 1851.
131. BRITISH COLONIST, 17 June 1851.
132. PILOT, 21 June 1851.
133. BRITISH COLONIST, 17 June 1851.
134. PILOT, 21 June 1851.
135. IBID.
136. BRITISH COLONIST, 17 June 1851.
137. IBID.
138. IBID.
139. PILOT, 21 June 1851.
140. IBID.
141. BRITISH COLONIST, 17 June 1851.
142. PILOT, 21 June 1851.
143. BRITISH COLONIST, 17 June 1851.
144. PILOT, 21 June 1851.
145. IBID.
146. BRITISH COLONIST, 17 June 1851.
147. IBID.
148. IBID.
149. The following papers reported the debate on this withdrawn motion in identical accounts: GLOBE, 14 June 1851, PILOT, 21 June 1851; BRITISH COLONIST, 17 June 1851, and NORTH AMERICAN, 20 June 1851. The debate was also reported by EXAMINER, 18 June 1851.

150. BRITISH COLONIST, 17 June 1851.
151. PILOT, 21 June 1851.
152. BRITISH COLONIST, 17 June 1851.
153. PILOT, 21 June 1851.
154. EXAMINER, 18 June 1851.
155. PILOT, 21 June 1851.
156. EXAMINER, 18 June 1851.
157. PILOT, 21 June 1851.
158. IBID.
159. EXAMINER, 18 June 1851.
160. BRITISH COLONIST, 17 June 1851.
161. PILOT, 21 June 1851.
162. BRITISH COLONIST, 17 June 1851.
163. EXAMINER, 18 June 1851.
164. BRITISH COLONIST, 17 June 1851.
165. EXAMINER, 18 June 1851.
166. PILOT, 21 June 1851.
167. IBID.
168. BRITISH COLONIST, 17 June 1851.
169. PILOT, 21 June 1851.
170. IBID.
171. IBID.
172. EXAMINER, 18 June 1851.
173. PILOT, 21 June 1851.
174. EXAMINER, 18 June 1851.
175. PILOT, 21 June 1851.
176. BRITISH COLONIST, 17 June 1851.
177. PILOT, 21 June 1851.
178. BRITISH COLONIST, 17 June 1851.
179. PILOT, 21 June 1851.
180. BRITISH COLONIST, 17 June 1851.
181. PILOT, 21 June 1851.
182. IBID.
183. IBID.
184. IBID.
185. BRITISH COLONIST, 17 June 1851.
186. PILOT, 21 June 1851.
187. BRITISH COLONIST, 17 June 1851.
188. EXAMINER, 18 June 1851.
189. BRITISH COLONIST, 17 June 1851.
190. IBID.
191. The following papers reported the occurrence of this debate in identical accounts: GLOBE, 14 June 1851, PILOT, 21 June 1851; BATHURST COURIER (Supplement), 13 June 1851, BRITISH WHIG, 14 June 1851, MONTREAL GAZETTE, 14 June 1851, MORNING CHRONICLE, 14 June 1851, MONTREAL TRANSCRIPT, 14 June 1851, and LA MINERVE, 17 June 1851. The debate was also reported by BRITISH COLONIST, 17 June 1851.
192. PILOT, 21 June 1851. BRITISH WHIG, 14 June 1851, stated that the doors were closed "for two hours".

MONDAY, 16 JUNE 1851.

Hon. Joseph Howe,¹ Delegate from Nova Scotia on the subject of the Grand Trunk Line of Railway, was introduced to the House by MR. AT. GEN. LAFONTAINE and SIR A. MACNAB; and took his seat within the bar, at the right hand of the Speaker. Mr. Howe was accompanied by Hon. Mr. Chandler, Delegate from New Brunswick, and another gentleman whose name we could not learn.²

(81)

Upper Canada
Bank.

MR. Speaker laid before the House, a Statement of the Affairs of the Bank of Upper Canada, on the 9th June, 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of the Honorable Robert Jones and others.

By the Honorable Mr. Attorney General LaFontaine,--The Petition of the Corporation of the Montreal General Hospital.

By Mr. Mackenzie,--The Petition of Leonard Wilcox, of the City of Toronto.

By Mr. Chauveau,--The Petition of the Municipal Council of the County of Quebec.

By Mr. Solicitor General Macdonald,--The Petition of J.G. Bowes, Esquire, and others, of the City of Toronto; and the Petition of William P. Howland and others, of the Townships of York and Etobicoke.

By the Honorable Mr. Robinson,--The Petition of David Currie and others, of the Township of Monro, County of Simcoe.

By Mr. Fournier,--The Petition of Olivier Plette and others, of the Parish of St. Roch, County of L'Islet; and the Petition of the Reverend Z. Sirois and others, of the Parish of St. Pierre, Rivière du Sud, County of L'Islet.

By the Honorable Mr. Merritt,--The Petition of John Gibson, of the Township of Grantham, County of Lincoln; and the Petition of James Benson and others, of the United Counties of Lincoln, Haldimand and Welland.

By Mr. Jobin,--The Petition of Joseph S. Armond and others, Censitaires, of the County of Montreal; the Petition of M. Raymond and others, of the Parish of Longue Pointe, County of Montreal; the Petition of the Reverend Louis Lefebvre and others, of the Parish of Ste. Geneviève, County of Montreal; the Petition of the Very Reverend P. Billaudèle, Superior of the Ecclesiastics of the Seminary of St. Sulpice at Montreal, and Curé of the Parish of Montreal; and the Petition of the Reverend J.B. St. Germain, President of L'Academie Industrielle in the Parish of St. Laurent, County of Montreal.

By the Honorable Mr. Sherwood,--The Petition of Mrs. Charlotte Elmsley and other Ladies, of the City of Toronto; the Petition of the Reverend H.J. Grasett and others, of the City of Toronto; and the Petition of W.C. Keele, of the City of Toronto, Esquire, Attorney at Law.

By the Honorable Mr. Price,--The Petition of the Reverend John Black and others, of the Village of Napanee and its vicinity; the Petition of Matthew McElroy and others, of the Townships of Kingston and Portland; and the Petition of John Ritchie and others, of the Township of Storrington.

By Mr. Wilson,--The Petition of C.H. Waterous, of the Town of Brantford, Engineer; and the Petition of the Reverend D.M. McAleese and others, of the Township of Ramsay.

By Mr. Morrison,--The Petition of John Watson, senior, and others, of the West Riding of the County of York; the Petition of the Municipality of the Township of Chinguacousy, West Riding of the County of York; and the Petition of Robert Dwyer, junior, and others, of the Townships of Chinguacousy and Allison, County of York.

By Mr. Lyon,--The Petition of John McGill Chambers, of the Township of Montague.

By the Honorable Mr. Chabot,--The Petition of His Grace the Archbishop of Quebec, and the Right Reverend the Bishop of Tloa, his Coadjutor; the Petition of Miss Eliza Taylor, Secretary, on behalf of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum at Quebec; and the Petition of the Reverend George Mackie, D.D., and others, the Committee of management of the National Schools at Quebec.

By the Honorable Mr. Boulton,--The Petition of the Municipal Council of the County of Norfolk.

(82)

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend L.M.A. Archambault and others, of the Parish of St. Hugues, County of St. Hyacinthe; praying the adoption of measures to define the rights of Seigniors, and for the abolition of the Seigniorial Tenure in Lower Canada.

Of the Church Society of the Diocese of Quebec; praying the passing of an Act to divide the said Corporation into two, for the Dioceses of Montreal and Quebec respectively.

Of the Municipality of the Township of Glanford, County of Wentworth; praying that no division be made of the said County, as proposed by the Bill to make certain alterations in the Territorial Divisions of Upper Canada.

Of Dame Marie Louise Lepellé Mezières, Superior, and other Ladies, Religious Hospitallers of St. Joseph of the Hôtel-Dieu of Montreal; praying that their Church or Chapel may be exempted from the operation of the Bill to prevent interments in buildings intended for Public Worship, should it become a Law.

Of A. Gérin-Lajoie, of Montreal, Esquire; praying aid to enable him to publish a work, entitled, "Catéchisme Politique."

Of the Right Reverend the Roman Catholic Bishop of Montreal and others, the Directors of the Seminary of Ste. Thérèse de Blainville; praying the usual aid in behalf thereof, as also a grant of money for the completion of their College.

Of Sister Ste. Elizabeth, Superior, and other Ladies of the Religious Community of the Congrégation de Notre Dame, at Montreal; praying that the Bill to prevent interments in buildings intended for Public Worship may not pass into Law, or otherwise that their Church may be exempted from the operation thereof.

Of the Municipal Council of the 2nd Division of the County of Montmorency; representing the evils resulting from the imposition of a Tax by the Corporation of Quebec upon Agricultural productions taken to the market of that City.

Of N. LaRue, Esquire, and others, of St. Laurent, and other Parishes in the 2nd Division of the County of Montmorency; representing the benefits which would result from the establishment of a Model Farm in the said locality.

Of the Honorable George Crookshank, of the City of Toronto, Esquire; praying the passing of an Act to authorize that in any suit brought by Isabella Farrell, of Woodburden, County of Kincardine, Scotland, the evidence taken under any one Commission to prove her heirship to the late Alexander Wood may be received by the Courts of Law in this Province, without re-issuing a new Commission in each particular case.

Of John Moore, Esquire, and others, of Eaton, Newport, Clifton, and other Townships in the County of Sherbrooke; praying aid for the construction of a Bridge across the River St. Francis, and to complete a certain Road for the said Townships.

Of Pierre Dubreuil and others, of the Parish of Pointe aux Trembles, County of Montreal; praying the passing of an Act to authorize them to form an Independent Mutual Fire Assurance Company in the said County.

Of Thomas Brooke, of the City of Toronto, Door-keeper to the Honorable the Legislative Council; representing the length of his services and the advanced age to which he has attained, and praying for a pension in consideration thereof.

Of the Municipal Council of the Village of Chambly, County of Chambly; praying for aid to improve Section No. 1, of the Chambly and Granby Turnpike Road.

Of Patrick Murray, of the Township of Elizabethtown; praying payment of a certain amount due him as rent for his house in Brockville used for the protection and shelter of Emigrants.

Of the Municipal Council of the United Counties of Northumberland and Durham; praying that any proposition for the formation of a new Township from the Townships of Murray and Cramahe may not be granted.

Of the Municipality of the Township of Percy; praying an Act to confirm a certain survey of the line between the first and second Concessions of the said Township.

Of Pierre Hébert and others, of the Parish of St. Michel d'Yamaska; praying that the Acts regulating the Common of the Seigniorie of Yamaska may be revived and amended.

Of Thomas McMicking and others; of A. McAlpine and others; of John Ballantyne and others; of James Hetherington and others; and of James Foard and others, all of the West Riding of the County of York; praying that the proposed Bill to alter the Territorial Divisions of Upper Canada, in so far as it regards the setting apart of the said Riding as a new County, may pass into law with a certain amendment.

Of the Ontario, Simcoe and Huron Railroad Union Company; praying that the Bill to revive the Charter of the Toronto and Lake Huron Railroad Company may not pass into law.

Of Thomas Hornor and others; praying certain amendments to the Bill to alter the Territorial Divisions of Upper Canada, with reference to the proposed Counties of Brant and Oxford.

Of the Reverend L. Provancher and others, of the Township of Tring; praying for the completion of the Lambton Road, and that each Township be formed into a Municipal District, with certain powers.

Of George Barron and others, of the Township of Nichol; praying that in the event of the Bill to alter the Territorial Divisions of Upper Canada passing into law, the said Township may be attached to the proposed new Township of Pilkington.

Of Sister M.R. Coutlée, Superior, and others, Sisters of Charity in charge of the General Hospital of Montreal; praying that the Bill to prevent interments in buildings intended for Public Worship may not pass into law, or otherwise that their Church may be exempted from the operation thereof.

Of Edwin Larwill and others, white inhabitants of the Township of Chatham; praying the enactment of certain measures for discouraging Negro Immigration into this Province.

Of George Duck, Esquire, and others, of the Counties of Kent and Lambton; praying certain alterations in the boundaries of certain lots in the Township of Dawn, and between Concessions seven and eight in the Township of Sombra.

Of A. Currie and others, Merchants, Ship-owners and Traders, of the Town of Chatham; praying aid to improve the navigation of the River Thames.

Petition of
Martin Mc-
Kinnon.

Mr. Mackenzie moved, seconded by Mr. McFarland, and the Question being put, That so much of the Petition of Martin McKinnon, of the Township of Vaughan, as relates to the sale of the Clergy Reserves,--the appropriation of the proceeds thereof to general Education,--the abolition of the Rectories,--and the placing of all Churches upon an equal footing before the Law, in Upper Canada, be referred to a Committee of seven Members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with

*power to send for persons, papers, and records;*³

MR. MACKENZIE moved to refer so much of the petition of Martin McKinnon, farmer, of the township of Vaughan, as related to the sale of Clergy Reserves, the appropriation of the proceeds thereof to general education, the abolition of the Rectories, and the placing of all churches on an equal footing before the law--to a select committee with instructions to report by bill or otherwise, for the accomplishment of these objects. The hon. member was proceeding to enlarge on the evils resulting from the Clergy Reserves, but was stopped⁴.

MR. COM. CR. LANDS PRICE interrupted the hon. member on a point of order⁵, objecting that the referring of a petition of a party who merely claimed redress was not the proper time for raising the whole question of Clergy Reserves and Rectories which would come legitimately before the House to-morrow. Mr. Price read the petition in which Mr. Mackinnon set forth his individual grievances, having been ejected from his farm by the rector of Vaughan, and prayed for redress. The Government (the hon. gentleman added) were willing to give the utmost consideration to the application, but he objected to tacking on a discussion at such a time, and without proper notice.⁶

MR. MORIN the SPEAKER decided that the member for Haldimand was in order.⁷

MR. MACKENZIE went on at great length to comment on the conduct of the Ministry with reference to the Clergy Reserves, contending they had completely shirked the question.⁸ [He] understood that he had a right to speak to all those questions of a public nature to which the petition referred. He believed that if the people had been aware that the Clergy Reserves question would be shirked by the Government as it had been, not one of them would have been returned at the last election. And yet the Crown Lands Commissioner had interrupted him (Mr. M.) with a view of ... [stifling] discussion on this question.⁹ He denounced the system of religious establishments, and the operation of the Reserves and Rectories in this Province.¹⁰ He then referred to the state of the question 21 years ago, quoting resolutions passed at a public meeting at that time, depriving the employment of the Reserves for sectarian purposes, and which proceedings were endorsed by Mr. Baldwin. He (Mr. Mackenzie) wished to argue to the question that we have a constitutional right to dispose of these revenues. The existing settlement, as it was called, was made in defiance of the people of this country.¹¹ He asserted the doctrine of religious equality, and the absence of all right on the part of Parliament to establish religious preferences.¹² He then showed the inequality of the distribution of the Clergy Reserve revenue, and the injustice of the Imperial bill. During the first session of the present parliament nothing was done with the question, and in the second session, when the question was brought up, the government contrived to stave off discussion, and the mover of the resolution for enquiry, voted against his own motion, and the seconder was not there at all. Then in the third session [sic] the thing was taken up, but not as it should have been--by bill.¹³ The conduct of the Home Government on the subject justified the belief that they desired to hide it as long as possible; and no wonder, for if the connection between Church and State be destroyed in Canada, the connection in England could not last long. The government of this Province had acted with equal cowardice in the matter, and he (Mr. M.) felt satisfied that they took office with a distinct understanding that they should not raise the question. This view was sustained by a letter addressed to the R. C. Bishop of Montreal by Mr. (now Judge) Sullivan, who was Secretary of the Province at the time.¹⁴ Stating in reference to the reserves that the government are trustees of special funds which they were not prepared to sacrifice to the general policy of the government; he also quoted a letter of Mr. Price denying a statement in the Examiner that there was a difference of opinion on the subject of the

reserves among the members of the government and also the statement of Mr. Baldwin on the floor of the house that the government could not take up the question as a government because it had no mind on the ... [matter].¹⁵ The proceedings of the Church Union, and the petition of the Episcopal Bishop and his Clergy, were referred to, to show the desire of that section of the community to establish a dominant church. Dean Swift said of the Irish bishops, that the only spirited function they exercised was ordination, and that nearly their whole attention was directed to political jobs and ambitious ecclesiastical ends. The intolerant character of Dr. Strachan was displayed in the fact that he dismissed a worthy missionary of the Church of England for having allowed his daughter to attend a Methodist meeting and for having presumed to appear before his lordship without bands.¹⁶

MR. CAUCHON--That was the Bishop's own business.¹⁷

MR. MACKENZIE--It would be the Bishop's own business if the Bishop and his clergy were sustained by the voluntary efforts of Churchmen; but remembering that the Bishop was appointed by the English Government, and that he and his clergy were, in reality, mere pensioners on the public purse, the matter was one with which this House had a perfect right to deal.¹⁸ He then read from the petition of the Episcopal Bishop of Toronto against all interference with the Clergy Reserves, and from the despatch of Lord Elgin which deprecated the renewed agitation of this question, and contained a hint to the church to agitate it in this Province.¹⁹ A more honest or honorable man than his Excellency did not live, but he was unhappily at variance with the people of Canada on the subject of the relation of the Church to the State.²⁰ Lord Elgin ... was in favour of the system of the Church and State.²¹ He denounced the Bishop of Toronto as a political Bishop, and his attempts to establish a dominant church as an injustice to the people of this Province. Dr. Strachan should attend to his religious duties instead of interfering with politics.²² The speaker then ... excited a good deal of merriment by reading passages from the speeches of the Bishop and Sir A. MacNab, on the occasion of laying the foundation stone of the new University. The existing University was characterized as a Godless institution, and the foundation of the new one was based--according to Dr. Strachan--on the apostles, "Jesus Christ himself being the chief corner stone." If, therefore, gentlemen desire to see an edifice having an exclusive right to the patronage of the Apostles, let them visit Duncan Cameron's field. On the occasion referred to, the Knight of Dundurn laid down his weapons as a warrior and talked about "working together for the glory of God and ... the advancement of Christ's kingdom upon earth," in a style that far surpassed the most pious strains of John Bunyan²³, or Harvey's meditations or²⁴ worthies of that class. With Sir A. MacNab discoursing piously, he (Mr. M.) believed that the millennium was really at hand. Passing from these jocular personalities, Mr. M. renewed his remarks on the relation of Canada to the Home Government on the question of the Reserves. He maintained the right of the Provincial Parliament to deal absolutely with the Reserves, without previously securing the sanction of the Imperial Government, and insisted on the necessity of stimulating our government to decisive action, in order to settle a dispute which lies at the foundation of the principal grievances of the Province, and does more to impede its progress than almost every other cause.²⁵ The organ of the Church of England had said the movement against the reserves was carried on by an unholy alliance between dissenters and papists, the extract denouncing severely the Roman Catholic religion and representing the bad ... it was described to be as the result of voluntarism. He then read an extract from the writings of the Inspector General when that gentleman was in opposition, declaring that he would never acknowledge any other settlement of the question than a settlement by the Provincial Legislature, and that the reform party, whether in or out of office was

prepared to agitate against the Imperial bill, and calling on the Guardian to say whether it acquiesced in a bill passed by the English Bishop; but the hon. gentleman (Mr. H.) got an office and he soon changed his tone. He (Mr. M.) would not now have brought up the question if the government had not announced that they did not intend to bring on a discussion of the question this session. The Attorney General West stated last session that he did not stand here as a slavish representative of any constituency; that if they differed from him, there must be a severance of the connection; (Mr. M.) did not think so; he thought if there was a great deal to be got out of the Attorney General West ... that he might help to get a bill passed on ... subject. He then quoted the opinion of Mr. Macauley on the evils of the state church in Ireland; he also quoted ... and Burke two conservatives on the evils of a state church²⁶, their office was ever pernicious and subversive of true religion.²⁷ The sooner we get rid of this system the better; and the way to do it was by passing a bill. Let this be done, and the cry of annexation will cease; and emigration set in towards the shores of Canada. He then quoted Bishop Hughes, the Roman Catholic Bishop of New York, against all state and church connection; a system which caused the puritans to seek a home on the shores of New England.²⁸

Here MR. ROSS of Megantic set up a tapping on his desk, to prevent the speaker being heard.²⁹

MR. MACKENZIE [continued:] Lord Sydenham had declared the reserves to be the root of all the evils in the province and the cause of the rebellion; and he was right. Then there were the rectories. Why had not movement been made against the rectories? He then read from a return presented to the house a few days ago, in answer to an address; the names of the parties presented to rectories by Lord Metcalfe; and declared himself in favour of a bill to abolish the rectories. The return stated that the rectories were established on the authority of a despatch sent to Sir John Colborne; but they had not sent down the despatch. He then showed up the inconsistency of Mr. Price, who, out of office, had declared he would stand or fall by a bill to settle this question; and last session, in office, declaring that it would be presumption in him to bring in a bill.³⁰ In conclusion, he declared his opinion to be that the constitutional Act of 1791 gave to the Provincial Parliament power to vary or repeal the Clergy Reserves--that that authority was confirmed by the Union Act of 1846 [sic],--and had never been relinquished.³¹

Mr. MacKenzie was interrupted during his speech by attempts to drown his voice, which proceeded from the quarter occupied by MR. J. CAMERON and MR. H. SHERWOOD. We observed that MR. ROSS of Megantic, ... assisted ... by thumping under his desk.³²

MR. MACKENZIE said he knew the subject was unpleasant to some members, and that he was a poor speaker.³³

DR. FORTIER--just before the member for Haldimand resumed his seat--begged to be allowed to say that it would be very agreeable to himself and his friends if the hon. member would conclude as quickly as possible³⁴, the House was tired with such a long speech. (Loud laughter.)³⁵

MR. MACKENZIE said he might be put out, but he would not be put down.³⁶

MR. COM. CR. LANDS PRICE rose to say that he had been anxious to save the time of the house in objecting to the member for Haldimand going into the general question³⁷, as he had given notice of a motion on the subject, which would come up to-morrow. He had no occasion to discuss the petitioner's allegations, as the member for Haldimand had³⁸ chosen [sic] to give poor Mackinnon the go-bye, by linking his case with that matter, he (Mr. P.) could not help it.³⁹ He should vote against the motion⁴⁰ before the House, as it was to refer Mr. MacKinnon's petition to a Committee, to report a bill, that the House could not sustain after the pre-

vious action it had taken⁴¹, on the ground that this house has no power to dispose of the question by bill.⁴²

MR. W. BOULTON explained his own transactions with Mackinnon, which were referred to in the petition.⁴³

MR. MORRISON could not find fault with the course taken by the hon. member for Haldimand, because he (Mr. Morrison) took a similar course in the first session of the present Parliament. It had been said that his proceeding on that occasion was at the bidding of the Ministry, and against his own convictions, but he denied the statement most emphatically. It was his intention to bring the question up whenever a fitting opportunity for so doing presented itself, and he had only delayed doing so because the Government had given notice of a motion on the subject of the Reserves, which would be discussed tomorrow.⁴⁴ No matter what hon. members might say this was a question that deeply interested the people of Upper Canada; he thought it ought to be settled before the next election; but he denied that it had been kept back as electioneering capital at the next election.⁴⁵ However much he might differ from the course of proceeding adopted on this occasion by the hon. member for Haldimand.⁴⁶ He should be voting against his conscience if he were to oppose it;⁴⁷ as he should in conscience vote for every measure that had for its object the abolition of the Rectories, and appropriating the Clergy Reserves to general education.⁴⁸ He should support his present motion, as one that was in perfect harmony with the desires of the people of Upper Canada. He (Mr. Morrison) trusted that some decisive action would be taken by the Government on the question before the close of the Session.⁴⁹

MR. MCFARLAND intended to support the motion, being satisfied that the question is of paramount interest, and ought to be settled as speedily as possible.⁵⁰ He was in favour of that course last Session⁵¹.

MR. MERRITT opposed the motion--not because he disapproved of the principle involved, but because he supported the course taken by the hon. Mr. Price last session, and therefore could not consent to the course now proposed.⁵²

MR. H. BOULTON briefly expressed his reasons for supporting the motion. They were that he believed a bill passed by this legislature in the same manner as the changes were made in the civil list, and sent home to the Imperial Parliament⁵³ reserving it for the consideration of Her Majesty⁵⁴, would be constitutional and would be the best mode of settling the question.⁵⁵

(83)

the House divided: and the names being called for, they were taken down, as follows:--

YEAS.

Messieurs Boulton of NORFOLK, DeWitt, Hall, Mackenzie, McConnell, McFarland, Morrison, Notman, and Scott of TWO MOUNTAINS.--(9.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McLean, Merritt, Mongenais, Polette, Price, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of BYTOWN, Sherwood of TORONTO, Smith of WENTWORTH, Stevenson, Taché, and Wilson.--(47.)

So it passed in the Negative.

Petitions
referred.

Ordered, That the Petition of George Crawford, Esquire,
and others, be referred to the Standing Committee on
Standing Orders.

Ordered, That the Petition of F.E.N. Borgden, and others, of the Parish of Ste. Anne, County of Champlain, and also all other Petitions on the subject of the Seigniorial Tenure in Lower Canada received by this House up to this day inclusive, and which have not already been referred, be referred to the Select Committee on Seigniorial Tenure in Lower Canada.

Ordered, That the Petition of the Bar of Lower Canada, Section of the District of Three Rivers, be referred to the Select Committee to which was referred the Petition of the Bar of Lower Canada, Section of the District of Quebec.

Toronto Medi-
cal Boards of
Examiners.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following Return:--

Return to two Addresses from the Legislative Assembly to His Excellency the Governor General, dated respectively the 2nd and 9th instant, praying that His Excellency would be pleased to cause to be laid before the House, a Return of the names of the Medical Gentlemen who have constituted the several Boards of Examiners of the Medical Board during its sittings since the last Session of Parliament, distinguishing those who were Professors in the University of Toronto from those who do not belong to that body, and also Copies of the proceedings of the Board, during the last sitting of the Board; and, also, a Return of the number of persons examined and passed during that period, together with the place of education of such persons so examined and passed.

By Command,

J. LESLIE,
Secretary.

Secretary's Office,
Toronto, 16th June, 1851.

Members of the Medical Board present during the following Session, viz:--

October Session, 1850.

Hon. C. Widmer, President.

Dr. King, Prof. Toronto University.

" Beaumont, Prof. "

" Herrick, Prof. "

" Nicol, Prof. "

" Telfer.

January, 1851.

Hon. C. Widmer, President.

Dr. Gwynne, Prof. Toronto University.

" King, Prof. "

" Beaumont, Prof. "

" Herrick, Prof. "

" Nicol, Prof. "

" Telfer.

April, 1851.

Dr. Gwynne, President, pro tem., Hon. C. Widmer being unwell.

" King, Prof. Toronto University.

" Beaumont, Prof. "

" Herrick, Prof. "

" Nicol, Prof. "

" Telfer.

7th April, 1851.

The Board met.

Present:

Dr. Gwynne, President, pro tem.

" Telfer,

" Herrick,

" Nicol,

" Beaumont.

Dr. Gwynne submitted the names of six Medical Gentlemen, Licentiates of this Province, who were desirous of being present at the examination of the Board during the present Session; whereupon it was moved by Dr. Telfer, and seconded by Dr. Beaumont, That in consequence of several Medical Practitioners having appeared to hear the examination of the Students, this Board do adjourn until to-morrow, for time to deliberate whether the examinations should be conducted publicly, or privately as before.

Carried nem. con.

The Board then adjourned until 12 to-morrow.

8th April.

The Board met.

Present:

Dr. Gwynne, President, pro tem.

" King,

" Beaumont,

" Nicol,

" Herrick,

" Telfer.

The proceedings of yesterday having been read, the Secretary brought forward a communication from Dr. Widmer, which was read. It was moved by Dr. King, seconded by Dr. Herrick, That the said communication be received and acted on.

It was therefore moved by Dr. King, seconded by Dr. Herrick, That inasmuch as it has been the object of the Provincial Medical Board, during the long period of its constitution, to discharge its functions with justice and impartiality, it will not allow any interference in the course it has pursued from any unauthorized source, the expression of whose opinion can have but little influence on the mass of the Profession in this portion of the Province. Should the country not fully appreciate the value of the services of the Provincial Medical Board, the Representatives of the People will soon be in a position to afford a remedy by legislative enactment: in the meantime, the Provincial Medical Board desires it may be distinctly understood, that any alteration in the long established course adopted in the examination of Candidates for certificates will not be allowed.

Carried unanimously.

Dr. King moved, seconded by Dr. Telfer, That the Secretary be instructed to read the foregoing resolution to the Gentlemen in waiting; and should they require it, to furnish a copy to them:--

Which was carried into effect.

Dr. Gwynne read a communication from Dr. Aiken enclosing a Resolution, which was read from the Chair; and the Secretary directed to acknowledge the receipt

(84)

thereof.

The Secretary laid upon the table a Paper handed him by Dr. Aiken, with a desire that it should be introduced to the notice of the Board; this Paper being signed by H.J. Boulton, was read from the Chair.

The Board then proceeded with the usual business of the Session, having pre-

viously resolved (in order to meet the contingency of an unusual number of Gentlemen having sent in their names to the Secretary as Candidates for license,) to have the examination of two Candidates proceeding at the same time, each Candidate proceeding to the several Members of the Board in rotation.

Mr. James Hacket, of Amherstburg, then appeared for examination: he produced tickets of attendance at Toronto University. The Board being fully satisfied with his examination, granted him their certificate.

Mr. Ezra Foote appeared a third time: he is an M.D. of the States. His examination proving satisfactory, the Board granted him their certificate.

9th April.

The Board met.

Present:

Dr. Gwynne, President, pro tem.

" Telfer,

" Herrick,

" King,

" Nicol,

" Beaumont.

The following communication was read:--

Toronto School of Medicine,
April 8th, 1851.

Sir,--Seeing that the Medical Board have come to the conclusion to hold their examination in privacy, we beg leave to withdraw our names from the List of Candidates before you.

J.J. Parker,
U. Potter,
Walter Geikie,
Jas. Ross,
Joseph Moore.

To the President of the Medical Board.

It was then moved by Dr. Nicol, seconded by Dr. Telfer, That the Secretary be directed to enter on the minutes of the Board, that on looking over the List of Candidates for examination, no such names as those affixed to the communication just read are to be found.

Carried.

Mr. Thomas Clark, of St. Catherines, a Student of Toronto University, appeared for examination. His answers proving satisfactory, he obtained the usual certificate.

Mr. W.H. Hanvey, of St. Thomas, next appeared: he produced tickets of attendance at Buffalo University, also from the Toronto University during the Session 1850-51. His examination was so good that he was called in, complimented by the Board, and received his certificate.

Mr. Theodore Hopkins, of New York, then appeared: he produced tickets from New York and Vermont, also from the Toronto University during the Session of 1850-51. His examination also being so good, he was complimented on receiving his certificate.

10th April.

The Board met.

Present:

Dr. Telfer, President, pro tem.

" Herrick,

" King,

" Nicol,

" Beaumont,

" Gwynne.

Mr. M.F. Haney, of St. Johns, appeared: he produced tickets of attendance at Buffalo University, also from Toronto University during Session 1850-51. His examination being highly satisfactory, he obtained the certificate of the Board.

Mr. Alexander R. Stephen, of Niagara, next appeared: he produced tickets from Buffalo University, also from Toronto University during the Session 1850-51. His examination being satisfactory, he obtained the usual certificate.

Mr. John Hyndman, next appeared: he produced tickets for a full course at the Toronto University. He became so much excited, his examination was postponed until to-morrow.

11th April.

The Board met.

Present:

Dr. Gwynne, President, pro tem.

" Beaumont,

" King,

" Herrick,

" Nicol,

" Telfer.

The Board proceeded with the examination of Mr. Hyndman. Being satisfied with his examination, he obtained the usual certificate.

Mr. M. Cullagh appeared a third time for examination; and being examined for one hour and a half, was found deficient. The Board refused to grant their certificate; at same time, it was intimated to him that he would not again be examined in Anatomy, Materia Medica, and Midwifery, his answers to these branches being satisfactory.

12th April.

The Board met.

Present:

Dr. Gwynne, President, pro tem.

" Telfer,

" Nicol,

" Beaumont,

" Herrick.

Mr. Francis Owens, of Hope, appeared for examination: he produced no testimonials of the course of study he pursued on examination. He was found to be so ignorant of his profession, that the Board refused to grant him their certificate.

Mr. John S. Morrison of Dundas, a Licentiate of the Apothecaries' Hall, Dublin, next appeared for examination a second time. His answers being satisfactory, he obtained the usual certificate.

Thus closed the Session.

Edward Clarke,

M.R.C.S., Eng.,

Secretary, T.M.B.

The number of Gentlemen who passed their examination at the Medical Board of Canada West, during the Sessions, October, 1850, January, 1851, April, 1851, and where educated, viz:--

1. Faculty Physicians and Surgeons, Glasgow.

1. M.D., of Germany.

4. Dr. Rolph's School of Medicine, Toronto.

4. Toronto University.

1. do do and Dublin.

1. do do and McGill College, Montreal.

1. do do and Edinburgh.
 4. do do and United States.
 1. M.D., of Buffalo, United States.
 1. Licentiate of Apothecaries' Hall, Dublin.
 1. In Midwifery only, being a Licentiate in Physic and Surgery of the late College of Physicians and Surgeons of Canada West.
- Total--20.

Edward Clarke,
Secretary, T.M.B.

(85)

The number of Gentlemen who have been rejected at the Medical Board of Canada West, during Sessions, October, 1850, January and April, 1851, viz:--

1. M.D., Jefferson College, Philadelphia.
 1. Licentiate, Apothecaries' Hall, Dublin.
 2. Who had never pursued any course of study at any School of Medicine.
- Total--4.

Edward Clarke,
Secretary, T.M.B.

Licenses for
working
Mines.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 5th instant, praying that His Excellency would be pleased to cause to be laid before the House, a Tabular Return of the persons who have received Licenses for opening and working Mines on Lake Huron and Superior, the price paid or agreed to be paid for each License, and the extent of territory included therein; and, also, a copy of the Treaty entered into with any Indian Tribes for the cession of any Lands, wherever Licenses have been or are intended to be granted.

Appendix (U.)

For the said Return, see Appendix (U.)

Ordered, That the said Return be printed for the use of the Members of this House.

On motion of Mr. McFarland, seconded by Mr. Polette,

Petition of
A. Douglas
and others.

Ordered, That that part of the Third Report of the Standing Committee on Standing Orders which relates to the Petition of Alexander Douglas, Esquire, and others, of the County of Welland, be referred back

to the said Committee, with the view of allowing proof of notice, by documents not before submitted.

Fifth Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Fifth Report of the said Committee; which was read, as follows:--

Your Committee have examined the Petition of Samuel W. Ryckman and others, and find that the requisite notice has been given.

Your Committee have also examined the Petitions of James Cotton, Esquire, of Toronto, and of Robert Cotton, Esquire, of Port Credit, relative to certain allowances of Road near the latter place; and it does not appear that notice has been published in either case.

Petitions
referred.

Ordered, That the Petition of Pierre Hébert and others, of the Parish of St. Michel d'Yamaska, and the Petition of the Church Society of the Diocese of Quebec,

be referred to the Standing Committee on Standing Orders.

MR. MACKENZIE⁵⁶ moved for an address to his Excellency for copies of certain reports relative to the University of Toronto, and Upper Canada College and Grammar School.⁵⁷

Agreed to with some amendment by the Hon. MR. AT. GEN. BALDWIN.⁵⁸

(85)

On motion of Mr. Mackenzie, seconded by Mr. Hall,

Toronto Uni-
versity, Upper
Canada College
and Grammar
School.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause the proper Officer to lay before this House, copies of all Reports made in duplicate to His Excellency by the Endowment Board of the University of Toronto, and of Upper Canada College and

Grammar School, and by the Auditors of Accounts of those Institutions, in compliance with the provisions contained in Sections 22 and 23, and 59 and 60, of the University Act of 1849, shewing the state of the property and effects, and generally of the fiscal or financial affairs of the said University, College and School, since they were established upon principles "to conciliate the confidence and ensure the support of all classes and denominations of Her Majesty's subjects;" also, copies of all Annual Reports made by the Principal of Upper Canada College and the Royal Grammar School, shewing their condition and progress, under the authority of Section 55 of the said Act, or so much of the said copies of Reports as may have been received by the Government.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Boulton, seconded by Mr. Gugy,

Railroad from
Fort Erie to
Brantford.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of any Instrument or other Document, or Receipt, registered

in the Registrar's office of the County of Haldimand by any Company of persons, for the construction of a Railroad from Fort Erie to Dunnville and Brantford.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Hamilton
Court House
Square Bill.

Ordered, That Mr. Smith of Wentworth have leave to bring in a Bill to authorize the Municipal Council of the United Counties of Wentworth and Halton to dispose of a part of the present Court House Square.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Joint Stock
Companies
Bill, (L.C.).

Ordered, That Mr. Gugy have leave to bring in a Bill to extend the provisions of the Act authorizing the formation of Joint Stock Companies in Lower Canada for constructing Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MERRITT⁵⁹ moved the resolutions of which he had given notice whereon to found an address to her Majesty on the subject of a line of ocean steamers be-

tween Liverpool and Quebec.... In moving them the Honorable Member merely called attention to the fact that the enlargement of the Erie Canal has been resolved upon, and that it is important Canada should take steps to place herself in a position equal to that which will be occupied by the Americans when the enlargement is completed.⁶⁰

The motion was agreed to without discussion.⁶¹

(85)

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Robinson,

Steamers between Great Britain and B.N. America.

Resolved, That this House will, on Monday, the 30th instant, resolve itself into a Committee, to take into consideration the following proposed Resolutions respecting the establishment of a Line of Steam Vessels between Liverpool and the River St. Lawrence:--

1. That the connection of the Western Lakes with the Atlantic Ocean, by the construction of the Welland and St. Lawrence Canals, admits, notwithstanding their present unfinished state, of the transportation of a barrel of flour down, or of a ton of goods up, between Lake Erie and the Port of Quebec, at a much less cost, and in one-third of the time, that it would take to convey similar articles between Lake Erie and the Port of New York.

2. That, notwithstanding the vastly superior advantages afforded by the Canada Ship Canals, in conveying produce and merchandize between the Western Lakes and the different Atlantic Ports, a barrel of flour is now transported from Lake Erie to Liverpool at less cost by the way of New York than by Quebec--arising from the difference in the price of Ocean freights, whereby the trade of the St. Lawrence has been diverted to the Hudson, as the relative amount of tolls received

(86)

on the two routes will shew, the one being about £750,000, and the other only about £60,000.

3. That the low price of Ocean freights from New York to Liverpool is attributable, in a great measure, to the liberal aid afforded by the Governments of Great Britain and the United States respectively, in establishing the Cunard and Collins' Line of Steamers, together with the large sums annually paid for the conveyance of the Mail to and from the United States to keep up those Steamers.

4. That although those Steamers convey passengers and light goods only, a trade in which the different Lines of Packet Ships were heretofore employed, still they have compelled those Vessels to embark in the ordinary transit trade, and thereby occasioned great additional facility for the conveyance of emigrants and freight to New York, and enabling them to take back return cargoes of produce at merely nominal prices; circumstances which combine to favor New York and the Erie Canal, to the prejudice of Quebec and the St. Lawrence route.

5. That the distance from Liverpool to the Strait of Belisle is about 2000 miles; to the Port of Sydney in Cape Breton, 2400 miles; thence to Quebec by the former route, 600 miles, and by the latter 550, making the entire distance between Quebec and Liverpool from 2600 to 2950 miles; while the Ocean distance from New York to Liverpool exceeds 3000 miles.

6. That reducing the length of sea voyage by nearly one-third of the entire distance will enable Steamers to carry double the freight with one-half the fuel, and materially diminishes the danger of the navigation.

7. That during the winter season, for five months in the year, the route could be extended to Halifax or St. Andrews in New Brunswick, or any port where a direct communication may hereafter be opened with Canada by Railroad.

8. That the establishment of a Line of Steamers between Great Britain and British North America would, in the opinion of this House, offer greater facilities for commercial intercourse between Great Britain and the Northern and

Western States and Colonial Possessions bordering on the valley of the St. Lawrence, that can be offered by the Port of New York, inasmuch as emigrants, merchandise and produce can be conveyed with more speed, and, by the way of the St. Lawrence, at less cost; and at no distant day, it is apprehended, increased facilities will be afforded for the conveyance of Mails by the same line.

9. That in furtherance of the views enunciated in the foregoing Resolutions, an humble Address be presented to Her Majesty, praying for the extension of similar aid and encouragement in the establishment of a Line of Steamers between Great Britain and Quebec and British North America, as that now extended to the "Cunard Line," upon condition that the Provincial Legislature will confer upon the proposed Steam Vessels similar aid to that which the American Government has extended to the Collins' Line of Atlantic Steamers running to the Port of New York, under such regulations as the Imperial and Provincial Governments may deem most advantageous to promote the desired object.

Insolvent Debtors' Bill.

Ordered, That Mr. Richards have leave to bring in a Bill to extend the provisions of the Insolvent Debtors' Act, and to afford relief to a certain description of

persons therein named.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-fourth instant.

St. Lawrence School of Medicine Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the St. Lawrence School of Medicine of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Crown Patents Fees Bill.

Ordered, That Mr. Solicitor General Macdonald have leave to bring in a Bill to extend the period for payment of Fees on Crown Patents, and for other purposes

therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-fourth instant.

Gould & Sons Naturalization Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to naturalize Ira Gould and others, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Lyon, seconded by Mr. Malloch,

Court of Common Pleas.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will please to cause the proper Officer

to lay before this House, a Return shewing what portion of the revenue arising from Fees received by the Clerks and Deputy Clerks of the Crown and Pleas of the Courts of Queen's Bench and Common Pleas, under the Act 12 Vic. cap. 63, is derived from the Court of Common Pleas and the business done therein.

Ordered, That the said Address be presented to His Excellency the Governor General

by such Members of this House as are of the Honorable the Executive Council of this Province.

Quebec Pilots
Incorporation
Bill.

Ordered, That Mr. Taché have leave to bring in a Bill to incorporate the Pilots for and below the Harbour of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Quebec City
Water supply
Bill.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill further to amend the Acts for supplying the City of Quebec, and parts adjacent thereto, with water.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Manufacturing
Joint Stock
Companies Bill.

Ordered, That Mr. Lacoste have leave to bring in a Bill to amend the Act to provide for the formation of Joint Stock Companies for Manufacturing and other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Western Assu-
rance Company
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to incorporate the Western Assurance Company.

(87)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Dartnell's At-
torney Bill.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to authorize the Courts of Queen's Bench, Common Pleas, and of Chancery, in the Province

of Canada, to admit Edward Taylor Dartnell to practice as an Attorney and Solicitor therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

McCarthy's
Attorney Bill.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to authorize the Courts of Common Law and Equity in Upper Canada, in their discretion, to

admit D'Alton McCarthy to practice as an Attorney and Solicitor therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Wellington
Land Tax By-
law Bill.

Ordered, That Mr. Fergusson have leave to bring in a Bill to provide for the collection of Arrears of Taxes under a certain By-Law of the District Council of the late District of Wellington, and to remove doubts

as to the validity of the said By-Law.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Tolls in Mills
Bill, (U.C.).

Ordered, That Mr. Lyon have leave to bring in a Bill to regulate the quantity of remuneration to be taken by way of Toll in Mills in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Game Act
Amendment
Bill, (L.C.).

Ordered, That Mr. Ross have leave to bring in a Bill to amend the Acts for the protection of Game and Wild Fowl therein mentioned, as regards Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Officers of Jus-
tice Salaries'
Act Amend-
ment Bill,
(L.C.).

An engrossed Bill to amend the Act substituting Salaries for Fees in certain cases in Lower Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the Bill to the Legislative Council, and desire their concurrence.

Census Acts.

Mr. Scott of Bytown, from the Committee to consider the expediency of amending the Census Acts, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient that a General Census of this Province be taken early in the year 1852, and in the year 1860, and every tenth year thereafter.

2. Resolved, That it is expedient that the said Census be taken under the superintendence of the Board of Registration and Statistics, which should be empowered to frame proper instructions to the persons employed, and forms to be used in taking the same, such forms to embrace the heads of information required by the Schedules to the present Acts, and such further information as it may be deemed useful to collect and to be furnished by the said Board to the persons employed to take the said Census.

3. Resolved, That it is expedient that the said Census be taken under the superintendence of Census Officers to be appointed in the several Counties in the Province (exclusive of the Cities and Incorporated Towns containing more than five thousand inhabitants,) and in the several Cities and Incorporated Towns containing more than five thousand inhabitants.

4. Resolved, That it is expedient that such Census Officers should have power to appoint one or more Enumerators in each Parish or Township Municipality, and in each Ward of any City or Incorporated Town, and to divide any such Parish or Township, Municipality or Ward, into two or more Enumeration Divisions, whenever they shall deem it expedient so to do:--the Warden, Gaoler, or other Officer having charge of any Penitentiary, Gaol, House of Correction, or other place of detention, being by virtue of his office the Enumerator for the same.

5. Resolved, That it is expedient that the said Enumerators should act under the immediate instructions and directions of the said Census Officers respectively, and make their Returns to them; and that the said Census Officers, having revised the same and caused any omissions or manifest errors therein to be corrected, should return the same to the Board of Registration and Statistics, by whom proper abstracts and tables shall be compiled therefrom.

6. Resolved, That it is expedient that each of the said Census Officers should receive out of the Consolidated Revenue Fund of this Province, an allowance for their services, not exceeding the rate of twelve shillings and six pence per diem, for the time during which they shall be actually occupied in their official duties; and that each of the said Enumerators should receive out of the said fund an allowance not exceeding the following rates, viz: At the rate of ten shillings for every hundred persons by him returned when such persons reside in the Country parts; but with power to the said Board to increase the said rate to a sum not exceeding fifteen shillings for every hundred persons returned, in cases where from the dispersed situation of the houses they shall be of opinion that such additional allowance ought to be made; and to a sum not exceeding twenty shillings for every fifty persons returned in cases where the population shall not exceed three hundred persons in an area of ten miles square, proportioning such allowances as far as possible to the labour required of the Enumerator; and when such persons reside in any City or Incorporated Town, then at the rate aforesaid for the first three thousand persons returned by him and at the rate of ten shillings for every three hundred persons returned by him over three thousand.

7. Resolved, That it is expedient that abstracts of the said Returns, and full accounts of the expenses incurred in taking the said Census, be laid before the Provincial Parliament at its next Session.

8. Resolved, That it is expedient to revive the provisions of the Act of the Province of Upper Canada which provides for the Registration of Marriages therein, or in some other way to provide for the same.

9. Resolved, That it is expedient to amend the present Census Acts, 4 & 5 Vic. c. 42, and 10 & 11 Vic. c. 14, in accordance with the preceding Resolutions.

(88)

The said Resolutions being read a second time, were agreed to.⁶²

MR. H. SHERWOOD said he would not offer any opposition to the receiving of the report of committee, but when the bill assumed another shape, he would decidedly give it every opposition he had in his power. It appeared to him a measure which ought not to be entertained by the House.⁶³

(88)

Ordered, That a Bill be brought in upon the said Resolutions; And that Mr. Solicitor General Drummond and the Honorable Mr. Hincks do prepare, and bring it in.

Lumber Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for regulating the inspection and measurement of Lumber, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Bill relating to
depredations,
&c., by Raftsmen.

The Order of the day for the second reading of the Bill to afford a better remedy to persons suffering from depredations and trespasses committed by Raftsmen, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Penitentiary
Management
Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;

Ordered, That the Bill be read a second time to-morrow.

Bill relating to
Gaols and
Houses of Cor-
rection.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of correction for Juvenile offenders, being read;

Ordered, That the Bill be read a second time to-morrow.

Petit Jurors
Payment Bill,
(U.C.).

The Order of the day for the second reading of the Bill to provide for the payment of Petit Jurors in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Richards, Mr. Wilson, Mr. Sherwood of Brockville, Mr. Smith of Durham, Mr. Burritt, the Honorable Mr. Cameron of Cornwall, and Mr. Morrison, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Real or mixed
Actions Bill,
(L.C.).

The Order of the day for the House in Committee on the Bill to amend the Law in Lower Canada as regards the District in which real or mixed Actions may be commenced, being read;

Ordered, That the said Order of the day by postponed until to-morrow.

Joint Stock
Road Com-
panies Bill
(U.C.).

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," and to extend the provisions thereof, being read;

Ordered, That the Bill be read a second time to-morrow.

Census Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein, being read;

Ordered, That the Bill be read a second time on Thursday next.

Justices of the
Peace (U.C.)
Fees Bill.

The Order of the day for the second reading of the Bill to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the

Reign of King William the Fourth, chapter seventeen, being read;

Ordered, That the Bill be read a second time on Thursday next.

Interest of
Money Laws
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on Wednesday the twenty-fifth instant; and be then the first Order of the day.

Chancery De-
crees and Or-
ders Bill,
(U.C.).

The Order of the day for the second reading of the Bill to confirm Decrees and Orders, and other proceedings of the Court of Chancery of Upper Canada, in certain cases, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill abolishing
Imprisonment
for Debt, (U.C.).

The Order of the day for the second reading of the Bill for abolishing imprisonment for Debt in Upper Canada, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Witnesses'
Attendance
Bill.

The Order of the day for the second reading of the Bill to authorize and enforce the attendance of Witnesses in Civil cases from any part of this Province before the Courts of Superior Jurisdiction, being read;

Ordered, That the Bill be read a second time on Monday next.

Execution of
Judgments,
(L.C.) Bill.

The Order of the day for the second reading of the Bill to facilitate the execution of Judgments in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which were referred the Bill to render the Judgments of the late Provincial Court for the Inferior District of Saint Francis executory, and for the removal of the Records of the said Court into the Circuit Court at Sherbrooke, and another Bill, with an Instruction to the said Committee.

Ordered, That it be a further Instruction to the said Committee to consolidate the said Bills into one, if they should find it expedient.

Debtors' Ef-
fects Attach-
ment Bill.

The Order of the day for the second reading of the Bill to enable Creditors to attach the effects of Debtors about to leave this Province in cases under Ten pounds, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Apprentices
and Minors
Bill.

The Order of the day for the second reading of the Bill to amend the Law relating to Apprentices and Minors, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stevenson, Mr. Solicitor General Macdonald, Mr. Burritt, Mr. Seymour, and Mr. Boulton of Toronto, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill relating to
the Bar of
Lower Canada.

The Order of the day for the second reading of the Bill in amendment of an Act to incorporate the Bar of Lower Canada, and of a certain other Act therein mentioned, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Christie, the Honorable Mr. Badgley, the Honorable Mr. Chabot, Mr. Lemieux, and Mr. Polette, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Deceased Per-
sons Estates
Bill.

The Order of the day for the House in Committee on the Bill for the better administration of the Estates of Deceased Persons, being read;

(89)

Ordered, That the said Order of the day be postponed until Wednesday next.

Bill to authorize a Second Term of the Superior Court to be held in the District of Gaspé.

The Order of the day for the House in Committee on the Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary, being read;

The House accordingly resolved itself into the said Committee.

Mr. Solicitor General Macdonald took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Solicitor General Macdonald reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

Law of Evidence Bill, (U.C.).

The Order of the day for the House in Committee on the Bill to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to improve the Law of Evidence in Upper Canada," being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

Printing.

The Order of the day for the House in Committee on the First and Second Reports of the Standing Committee on Printing, being read;

Ordered, That the said Order of the day be postponed until Monday next.

Bill relating to Interments.

The Order of the day for the second reading of the Bill to prevent Interments in Buildings used for Public Worship, being read;

Ordered, That the Bill be read a second time on Monday the seventh of July next.

Criminal Law Amendment Bill.

The Order of the day for the House in Committee on the Bill for the further amendment of the administration of the Criminal Law, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

Bill relating to Municipalities acquiring Public Works.

The Order of the day for the second reading of the Bill to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities, being read;⁶⁴

MR. MEYERS moved the second reading of the Bill to remove doubts relative to the acquisition of Public Works by Municipal Corporations without their limits. He made a few remarks in support of the bill, but they were inaudible in the Reporter's gallery.⁶⁵

(89)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Bill relating to Deeds creating Debts to the Crown.

The Order of the day for the House in Committee on the Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

Bill relating to
Promissory Notes
and Bills of
Exchange.

The Order of the day for the second reading of the Bill to facilitate the negotiation of Promissory Notes and Bills of Exchange, and to relieve the same under certain limitations from the operation of the Usury Laws, being read;

Ordered, That the Bill be read a second time on Monday next.

Parishes,
Churches, &c.,
Erection Bill.

The Order of the day for the second reading of the Bill to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches, and Church Yards in Lower Canada, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Lakes Superior
and Huron
Canal Bill.

The Order of the day for the second reading of the Bill to provide for the construction of a Canal to connect Lakes Superior and Huron, being read;⁶⁶

MR. ROBINSON moved the second reading of the Bill, to enable any private Company to construct a Canal to connect Lakes Superior and Huron. The hon. member explained, that he intended by his bill to allow the Government to take up the work during the recess should they think fit.⁶⁷ It was calculated that £60,000 would complete the work, and he was convinced that £60,000 could not be better expended⁶⁸, and it was of the greatest importance that it should be constructed, as the trade of that region was yearly increasing with very rapid strides.⁶⁹ It is generally supposed that the Americans will cut a Canal on their side, but it would be more easily constructed on our side. Last year 4000 tons of⁷⁰ pure copper were brought down⁷¹ from the mines on Lake Superior, and the owners of the ore could very well afford to pay a very handsome toll, besides the traffic in carrying stores to the various mines was of itself very large.⁷² This year there would be 6000 tons which alone would pay very handsome tolls. The work would be subject to the approval of the government.⁷³ One of the provisions of the Act provides that it be constructed in such a way as Government may think proper.⁷⁴

MR. H. SHERWOOD objected to the Bill, from the fact that there was a bill before the house asking incorporation for a company to construct this very Canal on the Sault St. Marie. That bill had passed its first reading. Besides there is an Act in force in the Province which enables any private company to⁷⁵ register themselves, and be a corporation for the construction of canals, railways, plank roads, &c., in that region,⁷⁶ providing they pay 6 per cent upon the proposed cost of the undertaking.⁷⁷

MR. AT. GEN. LAFONTAINE said a few words, which were inaudible.⁷⁸

SIR A. MACNAB said his objections to the bill was [sic] that it would enable a company to spend a few hundred pounds and hang about the work when the government would have to take it out of their hands and they would make a fine speculation.⁷⁹

MR. ROBINSON said, that could not be, unless the Government were very careless.⁸⁰

MR. H. BOULTON dilated upon the growing importance of that section of the country, and the permanent importance of such a work⁸¹. [He] hoped the Government would take the measure in their own hands.⁸²

MR. AT. GEN. LAFONTAINE in the absence of the Inspector General, (who sprained his ankle [sic] by falling down the cellar of the Assembly in the morning, and was in consequence unable to attend the House,)⁸³ replied⁸⁴. [He] objected

to government having anything to do with constructing a canal across the Sault.⁸⁵ A canal might be made on the American side as easily as on the British. Mr. Killally's Report stated that £64,000 would be sufficient to make the canal, but that would be useless as⁸⁶ he had been to the Lakes, and found that both Lake Huron and Lake Superior were very shallow at the terminus of the proposed canal,⁸⁷ the depth of the water is only five feet, and it is calculated that⁸⁸ the estimate of the Government engineer would require to be doubled, and that it would cost £100,000 to deepen the lakes at the termini of the canal so as to admit of vessels of the requisite size.⁸⁹

MR. ROBINSON thought the hon. member was mistaken. He would withdraw his motion for a few days in order to allow time for the report to be printed.⁹⁰

MR. H. SHERWOOD contended the canal could be easily constructed, and held that the views of Mr. Lafontaine were erroneous. He censured the Canadian Government for inertness which he stated was the wonder of the Americans. He hoped the charter now asked for, in the bill before the House would be granted, and in this case he [sic] stock would⁹¹ be at once taken up by Americans who reside in the locality; and whose reason for not making the canal on the other side is that the obstacles to its construction would enhance the cost over fifty per cent. on the amount that will suffice to construct it on this side⁹².

MR. MORRISON understood that the canal on our side would only require to be half the length of that on the American side, and could be constructed much more easily. Besides there was better shelter on our side, and all the American ships run to our side for shelter. He was sure that if the government do not take upon themselves the construction of this canal, there are companies prepared to do so.⁹³ The Attorney General East seemed inclined to throw cold water on the whole affair, asserting that the region was unsettled and conveying the impression that a canal would be useless.⁹⁴

The further consideration of the motion was postponed to Wednesday next⁹⁵, after a few more remarks.⁹⁶

(89)

Ordered, That the Bill be read a second time on Wednesday the twenty-fifth instant.

Intemperance
Suppression
Bill.

The Order of the day for the second reading of the Bill for more effectually suppressing Intemperance in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Gagy, Mr. Solicitor General Drummond, Mr. Jobin, Mr. DeWitt, and Mr. McConnell, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Clerks of
Assize, (U.C.)
Office Regula-
tion Bill.

The Order of the day for the second reading of the Bill to regulate the Office of Clerks of Assize in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating to
Law Expenses (U.C.).

The Order of the day for the second reading of the Bill to reduce Law expenses, and to establish a Tariff of Fees for the Superior Courts of Law in Upper Canada,

being read;

Ordered, That the Bill be read a second time on Monday next.

Replevin Law
Amendment Bill.

The Order of the day for the second reading of the Bill to amend and extend the Law relating to the remedy by Replevin, in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Lyon, Mr. Richards, Mr. Solicitor General Macdonald, the Honorable Mr. Macdonald, and Mr. Sherwood of Toronto, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill relating to
Commissions
for taking
Evidence.

The Order of the day for the second reading of the Bill to facilitate the issue of Commissions for the examination of Witnesses and the taking of evidence in Suits at Law pending and to be brought in the several Courts of Record in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating to
River du Chêne.

The Order of the day for the second reading of the Bill to explain and remove doubts under certain Acts passed for the improvement of the River du Chêne, being

read;

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time to-morrow.

Bill to set apart
Lands for Indians,
(L.C.).

The Order of the day for the second reading of the Bill to set apart certain Lands in Lower Canada for the use of the Indians of that part of the Province, being read;

Ordered, That the Bill be read a second time on Tuesday the twenty-fourth instant.

Bill relating to
Chartered Road
Companies.

The Order of the day for the second reading of the Bill to provide against Chartered Road Companies allowing their Roads to remain in disrepair, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Bill relating to
Summary
Convictions.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary conviction and orders, being read;

(90)

Ordered, That the Bill be read a second time on Friday next.

Bill relating to
Indictable
Offences.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to persons charged with indictable offences, being read;

Ordered, That the Bill be read a second time on Friday next.

West Gwillim-
bury Old Sur-
vey Annexa-
tion Bill.

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township of East Gwillimbury in the County of York,"

being read;

The House accordingly resolved itself into the said Committee.

Mr. Cartier took the Chair of the Committee;⁹⁷

MR. ROBINSON [moved] the second reading [be] ... postponed till Wednesday week.⁹⁸

(90)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cartier reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Wednesday the twenty-fifth instant.

Good Order
Bill.

The Order of the day for the House in Committee on the Bill to amend the Act of Lower Canada passed for the better preservation of Good Order in Churches and places of Public Worship, being read;

The House accordingly resolved itself into the said Committee.

Mr. Smith of Wentworth took the Chair of the Committee;⁹⁹

[The] ... Bill had exclusive reference to Lower Canada, and the conversation upon it bore upon the conduct of persons attending churches in that section of the Province, and the sufficiency of the penalties already enacted.¹⁰⁰

MR. JOBIN--He explained that the object was to prevent noise and disorder at church doors.¹⁰¹

The bill was opposed by DR. BOUTHILLIER and MR. LETELLIER as calculated only to increase penalties, to prevent an offence which was rarely committed. It seemed a terrible thing indeed, said the latter gentleman to send a young man to prison for thirty days for a momentary indiscretion, and it would be an infamy to condemn a young girl to the society of a jail for so trifling an offence. The present imprisonment (fifteen days, we understand) had never been inflicted as far as he knew in his county, why then give any one the opportunity to inflict a much greater punishment.¹⁰²

MR. JOBIN said if persons did not like to go to prison, they could pay the fine.¹⁰³

MR. CHAUVEAU remarked on the absence of petitions from the clergy who might be supposed to have the fullest knowledge of any necessity that existed for the bill. The hon. member also objected to increasing the stringency of existing penalties; and¹⁰⁴ after declaring the bill to be perfectly useless, moved that the committee do rise.¹⁰⁵

DR. LATERRIERE said the only disorders that ever took place at the church doors was a little love-making between girls and bachelors.¹⁰⁶

On a division, the amendment was carried.¹⁰⁷

The bill was consequently lost.¹⁰⁸

(90)

and after some time spent therein, Mr. Speaker resumed the Chair.

Montreal and
Kingston Rail-
way Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Montreal and Kingston Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Medical Pro-
fession, (L.C.)
Bill.

The Order of the day for the second reading of the Bill to amend the "Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the

study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the same Act became Law, being read;

Ordered, That the Bill be read a second time on Monday next.

Mutual Fire
Insurance
Company Bill,
(L.C.).

The Order of the day for the second reading of the Bill to authorize the establishment of a second Mutual Fire Insurance Company for the Country parts of Counties in Lower Canada in which there are large Cities or Towns, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Jobin, the Honorable Mr. Chabot, Mr. Cartier, Mr. Mongenais, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill relating to
Meetings of
Relations and
Friends.

The Order of the day for the second reading of the Bill to allow Notaries to call meetings of relations and friends in certain cases without being thereto specially authorized by a Judge, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Lacoste, the Honorable Mr. Chabot, Mr. Jobin, Mr. Cartier, Mr. Guillet, Mr. Armstrong, and Mr. Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Intestates Es-
tates Bill.

The Order of the day for the second reading of the Bill to regulate the distribution of the personal estates of Intestates in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Court of Pro-
bate and Sur-
rogate Court
Bill, (U.C.).

The Order of the day for the second reading of the Bill to regulate the proceedings and jurisdiction of the Court of Probate and Surrogate Court in Upper Canada, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill to render
certain Effects
liable to seizure
in Upper Canada.

The Order of the day for the second reading of the Bill to render certain effects liable to seizure under execution against Goods and Chattels in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Orders
deferred.

Mr. Richards moved, seconded by Mr. Solicitor General Macdonald, and the Question being put, That the remaining Orders of the day be postponed until to-morrow;¹⁰⁹

[This was] in compliance with an understanding entered into some days ago, that no new business should come on after ten.¹¹⁰

This proposition was objected to¹¹¹.

(90)

the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Bouthillier, Burritt, Christie, Chrysler, Fortier, Guillet, LaTerrière, Letellier, Solicitor General Macdonald, Sir Allan N.

MacNab, McConnell, McFarland, McLean, Meyers, Notman, Richards, Sanborn, and Smith of WENTWORTH.--(20.)

NAYS.

Messieurs Cameron of CORNWALL, Cartier, DeWitt, Fournier, Johnson, Lacoste, Laurin, Lemieux, Macdonald of KINGSTON, Malloch, Price, Robinson, Scott of TWO MOUNTAINS, Sherwood of TORONTO, and Stevenson.--(15.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Malloch, seconded by Mr. Richards,
The House adjourned.

APPENDIX: 16 JUNE 1851.

[NOTICE OF MOTION RE: RAILWAY COMPANY BILL.]

MR. H. SHERWOOD gave notice of a Bill for incorporating a Railway Company from Lake Superior to the Pacific¹¹².

[NOTICE OF AMENDMENT RE: CLERGY RESERVE RESOLUTIONS.]¹¹³

MR. CAYLEY gave notice of an amendment to be brought forward when Mr. Price's motion comes on for discussion--in the effect that it is inexpedient to disturb the existing settlement of the Clergy Reserves.¹¹⁴

[NOTICE OF ADDRESS RE: LUNATIC ASYLUM.]

MR. H. BOULTON gave notice of a motion for an address relative to the Lunatic Asylum.¹¹⁵

[NOTICE OF ADDRESS RE: CENSUS OF LOWER CANADA.]

MR. H. SHERWOOD gave notice ... of an Address, relative to the census in Lower Canada.¹¹⁶

[WITHDRAWN MOTION RE: DISPENSING PRIVATE BILLS FEE ON PORT
BURWELL HARBOUR COMPANY BILL.]

MR. NOTMAN moved that the committee on private bills be dispensed with in as far as relates to the bill for amending the act incorporating Port Burwell Harbour Company, but afterwards withdrew it on finding the House against it.¹¹⁷

FOOTNOTES: 16 JUNE 1851.

1. The following papers reported this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851. The debate was also reported by: BRITISH COLONIST, 17 June 1851; MONTREAL TRANSCRIPT, 17 June 1851; MONTREAL GAZETTE, 20 June 1851; and JOURNAL DE QUEBEC, 21 June 1851.
2. NORTH AMERICAN, 20 June 1851.
3. The following papers reported the debate on this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, PILOT, 21 June 1851, and BATHURST COURIER, 24 June 1851. The debate was also reported by: BRITISH COLONIST, 17 June 1851; and EXAMINER, 18 June 1851. The debate was noted by: MONTREAL TRANSCRIPT, 17 June 1851; and MONTREAL GAZETTE, 20 June 1851.
4. NORTH AMERICAN, 20 June 1851.
5. BRITISH COLONIST, 17 June 1851.
6. NORTH AMERICAN, 20 June 1851.
7. IBID.
8. BRITISH COLONIST, 17 June 1851.
9. EXAMINER, 18 June 1851. The ellipsis represents an illegible word.
10. NORTH AMERICAN, 20 June 1851.
11. EXAMINER, 18 June 1851.
12. NORTH AMERICAN, 20 June 1851.
13. EXAMINER, 18 June 1851.
14. NORTH AMERICAN, 20 June 1851.
15. EXAMINER, 18 June 1851. The ellipsis represents an illegible word.
16. NORTH AMERICAN, 20 June 1851.
17. IBID.
18. IBID.
19. EXAMINER, 18 June 1851.
20. NORTH AMERICAN, 20 June 1851.
21. EXAMINER, 18 June 1851.
22. BRITISH COLONIST, 17 June 1851.
23. NORTH AMERICAN, 20 June 1851.
24. EXAMINER, 18 June 1851.
25. NORTH AMERICAN, 20 June 1851.
26. EXAMINER, 18 June 1851. The ellipses represent illegible words.
27. BRITISH COLONIST, 17 June 1851.
28. EXAMINER, 18 June 1851.
29. IBID.
30. IBID.
31. NORTH AMERICAN, 20 June 1851.
32. IBID.
33. BRITISH COLONIST, 17 June 1851.
34. NORTH AMERICAN, 20 June 1851.
35. BRITISH COLONIST, 17 June 1851.
36. NORTH AMERICAN, 20 June 1851.
37. EXAMINER, 18 June 1851.
38. NORTH AMERICAN, 20 June 1851.
39. BRITISH COLONIST, 17 June 1851.
40. EXAMINER, 18 June 1851.
41. BRITISH COLONIST, 17 June 1851.
42. EXAMINER, 18 June 1851.
43. NORTH AMERICAN, 20 June 1851.
44. IBID.

45. EXAMINER, 18 June 1851.
46. NORTH AMERICAN, 20 June 1851.
47. EXAMINER, 18 June 1851.
48. BRITISH COLONIST, 17 June 1851.
49. NORTH AMERICAN, 20 June 1851.
50. IBID.
51. EXAMINER, 18 June 1851.
52. NORTH AMERICAN, 20 June 1851.
53. IBID.
54. EXAMINER, 18 June 1851.
55. NORTH AMERICAN, 20 June 1851.
56. The following papers reported the debate on this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, PILOT, 21 June 1851, and BATHURST COURIER, 24 June 1851.
57. NORTH AMERICAN, 20 June 1851.
58. IBID.
59. The following papers reported this motion in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851. A commentary appeared in MONTREAL GAZETTE, 20 June 1851.
60. NORTH AMERICAN, 20 June 1851.
61. IBID.
62. The following papers reported this speech in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851. The speech was also reported by BRITISH COLONIST, 17 June 1851.
63. NORTH AMERICAN, 20 June 1851.
64. The following papers reported this motion in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851. The motion was also reported by BRITISH COLONIST, 17 June 1851.
65. BRITISH COLONIST, 17 June 1851.
66. The following papers reported the debate on this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, PILOT, 21 June 1851; MONTREAL GAZETTE, 18 June 1851, BRITISH WHIG, 18 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, and LA MINERVE, 18 June 1851. The debate was also reported by: BRITISH COLONIST, 17 June 1851; EXAMINER, 18 June 1851; and MONTREAL GAZETTE, 20 June 1851.
67. BRITISH COLONIST, 17 June 1851.
68. NORTH AMERICAN, 20 June 1851.
69. BRITISH COLONIST, 17 June 1851.
70. NORTH AMERICAN, 20 June 1851.
71. BRITISH COLONIST, 17 June 1851.
72. NORTH AMERICAN, 20 June 1851.
73. BRITISH COLONIST, 17 June 1851.
74. NORTH AMERICAN, 20 June 1851.
75. IBID.
76. BRITISH COLONIST, 17 June 1851.
77. NORTH AMERICAN, 20 June 1851.
78. BRITISH COLONIST, 17 June 1851.
79. IBID.
80. IBID.
81. IBID.
82. NORTH AMERICAN, 20 June 1851.
83. MONTREAL GAZETTE, 20 June 1851.
84. IBID., 18 June 1851.
85. NORTH AMERICAN, 20 June 1851.
86. BRITISH COLONIST, 17 June 1851.

87. MONTREAL GAZETTE, 18 June 1851.
88. NORTH AMERICAN, 20 June 1851.
89. MONTREAL GAZETTE, 20 June 1851.
90. BRITISH COLONIST, 17 June 1851.
91. IBID.
92. MONTREAL GAZETTE, 20 June 1851.
93. NORTH AMERICAN, 20 June 1851.
94. MONTREAL GAZETTE, 20 June 1851.
95. NORTH AMERICAN, 20 June 1851.
96. BRITISH COLONIST, 17 June 1851.
97. The following papers reported this motion in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851.
98. NORTH AMERICAN, 20 June 1851.
99. The following papers reported the debate on this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851. The debate was also reported by BRITISH COLONIST, 17 June 1851.
100. NORTH AMERICAN, 20 June 1851.
101. BRITISH COLONIST, 17 June 1851.
102. IBID.
103. IBID.
104. NORTH AMERICAN, 20 June 1851.
105. BRITISH COLONIST, 17 June 1851.
106. IBID.
107. NORTH AMERICAN, 20 June 1851.
108. IBID.
109. The following papers reported the exchange on this matter in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, and PILOT, 21 June 1851.
110. NORTH AMERICAN, 20 June 1851.
111. IBID.
112. BRITISH COLONIST, 17 June 1851.
113. The following papers reported this notice in identical accounts: GLOBE, 17 June 1851, NORTH AMERICAN, 20 June 1851, PILOT, 21 June 1851, and BATHURST COURIER, 24 June 1851. The debate was also reported by BRITISH COLONIST, 17 June 1851.
114. NORTH AMERICAN, 20 June 1851.
115. BRITISH COLONIST, 17 June 1851.
116. IBID.
117. IBID.

TUESDAY, 17 JUNE 1851.

(90)

Agricultural Societies.

MR. Speaker laid before the House, the Annual Report of the Lower Canada Agricultural Society, and Special Report of the Agricultural Society of the County of

Beauharnois.

Appendix (J.)

For the said Reports, see Appendix (J.)

Champlain and St. Lawrence Railroad.

Also, Statement of the Affairs of the Champlain and St. Lawrence Railroad Company, for the year 1850.

Appendix (R.)

For the said Statement, see Appendix (R.)

City Bank.

And also, Statement of the Affairs of the City Bank, on the 31st May, 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bouthillier,--The Petition of the Municipal Council of the County of St. Hyacinthe; and the Petition of P.C. Phaneuf and others, Censitaires, of the Parish of St. Damase, County of St. Hyacinthe.

(91)

By Mr. DeWitt,--The Petition of the Municipal Council of the second division of the County of Beauharnois; the Petition of Stephen H. Schuyler and Thomas Crawford, of the village of Huntingdon, County of Beauharnois; and the Petition of S.W. Gillett, of the Town of Constable, in the State of New York.

By Mr. Johnson,--The Petition of Peter M. Laurin, Esquire, and others, of the Township of Caledonia.

By Mr. Letellier,--The Petition of P.T. Dupont and others, of the Parish of St. Roch des Aulnets, County of L'Islet.

By Mr. Lemieux,--The Petition of the President, Vice-President, and Directors of the Quebec Building Society.

By Mr. Wilson,--The Petition of Francis Nichol and others, of the Township of Westminster; the Petition of Manley Dixon, Reeve, and Edward Handy, Clerk, on behalf of a Township Meeting of the Inhabitants of Caradoc; and the Petition of Moses Loin and others, colored inhabitants of the Town of London.

By Mr. Scott of Two Mountains,--The Petition of Joseph Lefebvre de Bellefeuille, Esquire, and others, of St. Eustache.

By Mr. Mongenais,--The Petition of L.M. Masson and others, Censitaires and Tenants, of the Parish of St. Michel de Vaudreuil, County of Vaudreuil.

By Mr. Laurin,--The Petition of M. Couture, Esquire, and others, of the Parish of Ste. Croix, County of Lotbinière; and the Petition of Charles Benoit and others, of Lower Canada.

By Mr. Taché,--The Petition of the Lower Canada Agricultural Society; and the Petition of Municipality Number One of the County of Rimouski.

By Sir Allan N. MacNab,--The Petition of Elizabeth R. Thomas, and Harriet Inson, on behalf of the Ladies' Benevolent Society of the City of Hamilton.

By the Honorable Mr. Macdonald,--The Petition of George Benjamin, Esquire, Grand-Master of the Loyal Orange Association of British North America; the Petition of Sister Dupuis, Superior of the Hôtel-Dieu Nunnery Hospital of Kingston; and two Petitions of the University of Queen's College at Kingston.

By Mr. Cartier,--The Petition of the Bar of Lower Canada, Section of the District of Montreal; the Petition of the Montreal Firemens' Benevolent Association; and the

Petition of the Mayor, Aldermen, and Citizens of the City of Montreal.

By the Honorable Mr. Sherwood,--The Petition of the Reverend H.J. Grasett, A.M., Chairman, on behalf of the Committee of Direction of the Toronto General Dispensary and Lying-in Hospital, and of Mrs. Augusta Draper, Secretary to the Ladies Committee thereof; the Petition of Mrs. Mary G. Sherwood and other Ladies of the City of Toronto; and the Petition of Joseph D. Ridout and others, of the City of Toronto.

By Mr. Notman,--The Petition of the Municipality of the Township of Southwold; the Petition of the Municipality of the Township of Malahide; and the Petition of the Municipality of the Township of Yarmouth.

By the Honorable Mr. Badgley,--The Petition of Théophile Roy and others.

By Mr. Hopkins,--The Petition of W. McCay and others, of the Township of Nelson.

By Mr. Morrison,--The Petition of Thomas Graham and others, of the Township of the Gore of Toronto.

By Mr. McConnell,--The Petition of Ichabod Smith and others, Trustees of the Stanstead Academy.

By the Honorable Mr. Merritt,--Two Petitions of the Municipal Council of the United Counties of Lincoln and Welland.

By Mr. Solicitor General Drummond,--The Petition of the Reverend F. Perreault and others, School Commissioners and others, of the new Parish of Ste. Brigide de Monnoir.

By the Honorable Mr. Hincks,--The Petition of the Municipality of the Township of Dunwich; and the Petition of Thomas Jackson and others, of the Township of Romney, County of Kent.

By the Honorable Mr. Robinson,--The Petition of Martin McLeod, Paymaster, on half-pay of the 25th Regiment.

By Mr. Dickson,--The Petition of James Miller and others, of the Town of Niagara.

Settlement of the Eastern Townships.

Ordered, That the Select Committee appointed to enquire into the causes which prevent or retard the settlement of the Eastern Townships in the Districts of Three Rivers, St. Francis and Quebec, have leave to

report from time to time.

Printing and Distribution of the Provincial Statutes.

Resolved, That a Message be sent to the Honorable the Legislative Council, praying their Honors will permit John Fennings Taylor, Esquire, Clerk, and Robert LeMoine, Esquire, Assistant Clerk, of that Honorable House, to attend the Standing Committee of this House

on Printing, at the hour of ten in the forenoon, on Friday next, to be examined before the said Committee on the subject of the Printing and Distribution of the Provincial Statutes.

Ordered, That Mr. McLean do carry the said Message to the Legislative Council.

Answers to Addresses.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, That their Addresses of yesterday (that the Papers therein respectively mentioned might be laid before the House) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint the House, that he will give directions accordingly.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Price, Civil List.

Resolved, That this House will, this day, resolve itself into a Committee, to consider the expediency of amending the Act granting a Civil List to Her Majesty (9 Vic. cap. 114), and

also the Acts 12 Vic. caps. 63 and 64, with a view to the reduction of certain Items in the Schedule to the said first mentioned Act; and also to provide for the Salaries of the Speakers of the two Houses of the Provincial Legislature.

Private Bills. Resolved, That the time for receiving Private Bills be extended until Monday the thirtieth instant.

Bill relating to Ordered, That Mr. Smith of Durham have leave to bring in
County Grammar a Bill to repeal the provisions limiting the distance
Schools, (U.C.). between the County Town and any additional Grammar
School in the same County, in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of the Honorable Mr. Sherwood, seconded by Mr. Malloch,
Census (L.C.). Resolved, That an humble Address be presented to His Ex-
cellency the Governor General, praying His Excellency
to cause to be laid before this House, a Return of the different localities in

(92)

Lower Canada in which the Census has been taken in pursuance of the provisions of the Act 10 & 11 Vic. cap. 14.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Lake Superior Ordered, That the Honorable Mr. Sherwood have leave to
and Pacific bring in a Bill to incorporate the Lake Superior and
Railroad Bill. Pacific Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-fifth instant.

Pawnbrokers Ordered, That the Honorable Mr. Badgley have leave to
Bill. bring in a Bill for the regulation of Pawnbrokers
and Pawnbroking.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Church of Ordered, That the Honorable Mr. Badgley have leave to
England bring in a Bill to provide for the establishment of
Society Bill, a Church Society of the United Church of England and
(L.C.). Ireland, in each Diocese of that Church in Lower
Canada, and for other purposes connected with the
recent division of the Diocese of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Heir and Ordered, That leave be given to bring in a Bill to amend
Devisee Bill. the Heir and Devisee Act of Upper Canada: And that
Mr. Solicitor General Macdonald and the Honorable
Mr. Price do prepare, and bring it in.

Lumber Act
Explanation
Bill.

Ordered, That Mr. Laurin have leave to bring a Bill to explain a certain provision of the Act regulating the inspection and measurement of Lumber.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Maskinongé
Common Bill.

Ordered, That Mr. Polette have leave to bring in a Bill to revive and amend the Act relating to the Common of Maskinongé.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Woodstock and
Lake Erie
Railway Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to amend the Charter of the Woodstock and Lake Erie Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

A. Thompson's
Road Allowance
Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to vest a certain allowance for Roads in the Township of Woodhouse, in the County of Norfolk, in Andrew Thompson.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to
Ottawa Street in
Cayuga.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to close up part of Ottawa Street in the Village of Cayuga.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Canada West
Farmers Mutual
and Stock In-
surance Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate "The Canada West Farmers Mutual and Stock Insurance Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Bill relating to
a By-law of
Peterborough Mu-
nicipal Council.

Ordered, That Mr. Hall have leave to bring in a Bill to indemnify the Municipal Councillors of the County of Peterborough, and others, for acts done under a certain By-Law of the Municipal Council of the said County which was afterwards quashed.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

St. Johns Church,
Peterborough,
Endowment Bill.

Ordered, That Mr. Hall have leave to bring in a Bill to provide for the sale of a portion of the endowment of St. John's Church in the Town of Peterborough.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Solicitor General Drummond, seconded by Mr. Bouthillier,
Seigniorial Ordered, That the Select Committee on Seigniorial Tenure
Tenure. in Lower Canada have leave to cause to be printed,
 from time to time, for the use of the Members of
 this House, the proceedings of the said Committee and the documents submitted
 to them, or such part thereof as they shall deem expedient.

Census Bill. The Honorable Mr. Hincks presented a Bill to provide more effectually for taking the periodical Census of the Province: And the same was read the first time; and ordered to be read a second time upon Tuesday next.

Montreal
Trinity House
Act Amendment
Bill.

An engrossed Bill to amend the Montreal Trinity House Act, was, according to Order, read the third time.
Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the Bill to the Legislative Council, and desire their concurrence.

MR. AT. GEN. LAFONTAINE¹ moved the third reading of the bill to amend the Act creating a Court of Queen's Bench in Lower Canada.²

MR. MACKENZIE was opposed to the bill. It was wrong he contended to pay four judges and have but two to do the duty of the four. The people had a right to the judgments of the officers that were paid to administer justice; at least a majority of the judges ought to give judgment in cases of appeal.³

Some remarks [came] from MR. AT. GEN. LAFONTAINE.⁴

MR. MACKENZIE showed that⁵ the act of 1849 required the judges not only to vote but to give a statement of the points both of law and fact upon which their judgment was predicated and the reason why one judge dissented from the decision of the majority of the Court. If that were right in 1849, by what means had it become wrong in 1851. Was he to understand that one half could transact the business of the Court, and the other half sit idle, doing nothing.⁶

MR. SOL. GEN. DRUMMOND replied that there possibly might be some objection to the principle of the bill; but the object sought to be effected was to avoid a difficulty that might arise, as for instance in case of the sickness of one of the judges,⁷ who had been compelled to seek repose on account of ill health⁸, or a judge being disqualified to sit in an appeal case, the case having been tried before him in the Court below.⁹

MR. SANBORN said if a case in appeal came up for decision, and if the four judges were equally divided in opinion, the decision of the court below would be sustained; but if this bill were to pass permitting two judges to decide the case it would be reversed, and a vested right disturbed. It was understood among the lawyers that there were now cases in which the judges were equally decided in opinion.¹⁰ [He] did not think the explanation quite cleared up the objectionable principle of the bill.¹¹

MR. MACKENZIE asked for the yeas and nays on the motion. (Cries of "Order, order.")¹²

Several members remarked that only one member asked for the yeas and nays.¹³

MR. MACKENZIE said he was not afraid to record his name upon any bill, though other members might be.¹⁴

(92)

Court of
Queen's Bench
Act Amendment
Bill, (L.C.).

An engrossed Bill to amend the Act establishing the Court of Queen's Bench for Lower Canada, was, according to Order, read the third time.

The Honorable Mr. Attorney General LaFontaine moved, seconded by Mr. Solicitor General Drummond, and the Question being put, That the Bill do pass, and the Title be, "An Act to amend the Act establishing the Court of Queen's Bench for Lower Canada;" the House divided:-- And it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the Bill to the Legislative Council, and desire their concurrence.

(93)

Bill relating to
River du Chêne.

An engrossed Bill to explain and remove doubts under certain Acts passed for the improvement of the River du Chêne, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Scott of Two Mountains do carry the Bill to the Legislative Council, and desire their concurrence.

Municipalities
Bill, (L.C.).

The Order of the day for the second reading of the Bill, intituled, The Lower Canada Municipalities Act, being read;

Ordered, That the Bill be read a second time on Tuesday the first of July next.

Road Bill,
(L.C.).

The Order of the day for the second reading of the Bill, intituled, The Lower Canada Road Act, being read;

Ordered, That the Bill be read a second time on Tuesday the first of July next.

Emigrant Act
Amendment Bill.

The Order of the day for the second reading of the Bill to provide for the commutation of certain Bonds required under the Emigrant Act, being read;¹⁵

MR. INSP. GEN. HINCKS moved the second reading of the bill to amend the Act imposing a Tax on emigrants. He explained that the object of the bill was to assimilate the law to that of New York.¹⁶

MR. W. BOULTON thought it was scarcely prudent to impose a Tax upon emigrants considering the fact, that emigration produced an extensive effect in cheapening outward freights on produce.¹⁷ The prosperity of the U. States, and¹⁸ the facilities for the exportation of agricultural produce from the United States were greater than in any other part of the world perhaps. That arose from the fact that the owners of ships conveying out emigrants, made so much on the trip, that they were able to take freight at exceedingly low rates on their return trips to Europe. Much of our produce for Europe was diverted from Quebec to New York in consequence of the low rates for freight at the latter place, arising as he said from the vast amount of emigration into that port. He thought it would be almost better to offer a premium to emigrants to come in at Quebec &c., &c., than to impose any tax upon them¹⁹, which was, in fact, a discouragement, so far as they were concerned.²⁰

MR. INSP. GEN. HINCKS observed that although there was much truth in the remarks of the hon. Member, yet it should be remembered that emigrants were of great expense to the Province in many respects; there were many orphan emigrant

children to be supported, and he did not think that upon the whole, the Government could remove the tax entirely²¹ seeing that the whole proceeds of it were applied for the benefit of emigrants themselves.²²

A few words [came] from MR. H. BOULTON.²³

MR. MERRITT said we should be contented as long as the bill imposed no higher tax than was expected elsewhere. The tax proposed placed²⁴ the emigrants by the St. Lawrence on a par with those coming to New York.²⁵

(93)

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time on Friday next.

Montreal Harbour
Act Amendment
Bill.

The Order of the day for the second reading of the Bill to alter and amend the Act 13 & 14 Vic. cap. 97, for improving and enlarging the Harbour of Montreal, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Territorial
Divisions Bill,
(U.C.).

The Order of the day for the House in Committee on the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;

Ordered, That the several Petitions presented to this House on the subject of the Territorial Divisions of Upper Canada, be referred to the said Committee.²⁶

MR. INSP. GEN. HINCKS moved that the House resolve itself into a committee of the whole upon the Territorial Division Bill.²⁷

MR. W. BOULTON would move an instruction to the Committee, and made some remarks against the bill.²⁸ He had not the slightest desire to prevent a division of the Counties if the people thought that the present territorial arrangement inconvenient, and desired a change. But, from his impression in regard to the state of public opinion he considered this measure to alter the county lines of counties in Upper Canada as one entirely uncalled for. He opposed the bill on the score of increased expense²⁹, which would add largely to local taxation, at a time when the people of the Province were ill able to bear it.³⁰ It was said there was less money in Canada than in the States. That was true,³¹ we have abundant evidence that money is far from abundant in Canada, as debentures issued on what might be considered good security, were disposed of at a discount. It was, then, exceedingly undesirable to create a number of new counties, rendering necessary the appointment of judges and sheriffs, and the creation of gaols and courthouses³², and those other items of expense which would be entailed by the subdivision of counties as proposed by this bill.³³ Such a course would necessitate a large expenditure, which the country was by no means able to bear with comfort.³⁴ In New York the majority of the counties were greater in area than those proposed in the bill introduced by the hon. Inspector General. Some of the counties in that State contained upwards of a million of square acres, and there were thirty counties containing from six to eight hundred thousand square acres.³⁵ Yet our machinery for the administration of justice, and so forth, was more complete, and consequently more costly, than that which existed in rural districts on the other side of the line.³⁶ The hon. member then read a statistical statement showing the area contained in the various counties of the State of New York, and went on to say that Mr. Hincks proposed to make much smaller counties than those contained in New York notwithstanding his allegation the other evening to the contrary. What sort of a county for instance was one of the proposed ridings of York? Seventy one miles long by eighteen miles broad and in one part only five miles in width? However, if the people considered

that their counties were not properly proportioned, and deemed it desirable to change their limits let them meet in their primary assemblies and determine the matter for themselves³⁷, and he had no objection to their having counties five miles square if they liked³⁸. But he was opposed to the Town Reeves setting off counties at their will as this bill proposed. He was confident, however, that the people did not desire to incur this increase of expense. The hon. member whilst adverting to the new division of one of the Ridings of York was interrupted³⁹.

MR. INSP. GEN. HINCKS ... assured him that it was proposed to divide the county in precisely the same manner as at present.⁴⁰

MR. W. BOULTON then referred to the proceedings of meetings held lately in an adjoining county at which resolutions were adopted condemnatory of the provisions of the bill, and also several petitions from Municipal Councils in Upper Canada, to the same effect.⁴¹ [He] then read several petitions against the bill⁴². He believed that the feeling of the people generally was decidedly averse to the bill in many of its parts.⁴³ If the truth were known (said Mr. B.) it would perhaps turn out that the only people who desired changes in the county limits were those who had lots on which it would be convenient to build county towns, or those who were desirous of obtaining one of the many⁴⁴ new offices to be created under this bill.⁴⁵ In conclusion, the hon. member moved an instruction to the committee, being in substance that no division should take place unless the⁴⁶ majority of the people in that county desired it.⁴⁷

MR. INSP. GEN. HINCKS objected to renewing a discussion on the broad question, which was debated at length on the occasion of the second reading of the bill.--The assertion that the petitions in favour of this bill had emanated from petty local parties was contrary in fact, and was, in reality, much more justly applicable to the petitions against the bill, which had been got up in very many instances by parties who felt that their interests would, in some respects, be injured by the proposed change. No man acquainted with the present territorial divisions, and with the wishes of the people on the subject, could say that extensive alterations were not required; and he believed there was as little reason to doubt that the measure he had introduced was on the whole satisfactory to the people, and to the various municipalities concerned. He felt that instead of reviving the general merits of the bill, which had already been fully considered, the better course would be to allow the House to go into committee, and then to introduce such amendments as might be deemed needful.⁴⁸

SIR A. MACNAB thought the instruction moved, to be just such an [sic] one as ought to be given the Committee. The Hon. Inspector General said that public opinion was in his favor; why not then let the public opinion have its way--let the measure be tested by an appeal to the people. He did not think that the people of his district were desirous of dividing their county, and he thought that the people who wanted the change were those who expected to be rewarded for their exertions in behalf of the present Government.⁴⁹ He thought there was no necessity for calling up his (Sir Allan's) county, as was proposed, to have two county towns within two hours ride of Hamilton. The division movement in the county was got up by a few⁵⁰ restless demagogues [sic]⁵¹ in Brantford⁵², trying to grasp power.⁵³ (Hear, hear.)⁵⁴

MR. RICHARDS observed that as no county could be set off until the Court House and Jail were built, this delay would give the people an opportunity to express their opinion⁵⁵. If people did not want division, they would not provide funds for new Court houses. As to patronage created by this Bill, perhaps the gallant Knight might have it in his hands, as it would not be available for a year at least when the Court houses were built.⁵⁶

MR. FERGUSSON said the County Council had been sitting at Hamilton last week, but he had heard no remonstrance from them--though it was well known that this Bill was coming up.⁵⁷

MR. NOTMAN said the Inspector General had presented addresses the other day from four separate County Councils, and he thought it great presumption on the part of the gallant knight to apply such terms to persons equally respectable with himself.⁵⁸

MR. H. SHERWOOD supported the motion of his colleague from Toronto.⁵⁹ He did not think it was wise or politic for any Government to cut up and carve out Counties to suit their own caprice, or carry out their own peculiar views, and force such divisions of Counties upon the people in spite of the fact that the people desired no such change.⁶⁰ The Inspector General seemed determined to carry this Bill, just because he supposed it suited him, although the strongest opposition had been offered to it from all parts of the country.⁶¹ He did not think this bill any more necessary than the one brought in last year by the hon. Inspector General to change the name of territory in U. C. from districts to counties. That was one of the most useless measures ever introduced into that House. He complained that this bill had created a great amount of dissatisfaction throughout the country.⁶² He thought the whole feeling on the subject of a division had been got up by the member for the South Riding (Mr. Perry). The division proposed would be most expensive to the tax-payers, and injurious to the persons now holding office in the county.⁶³ It was true the counties were not to be set off unless the inhabitants desired it; but there are always interested persons to push them on.⁶⁴ He imagined the people of the county of York were quite satisfied with things as they are, and he thought the county should be left as it was, until the inhabitants came here and asked for a division.⁶⁵ He was opposed to the holding out inducements to the people to make these changes; if the people however were disposed to change, he would not oppose it.⁶⁶

COL. PRINCE thought the position of Mr. Boulton went to defeat the Bill altogether, and as he (Mr. Prince,) had voted for the second reading, he could not support⁶⁷ an amendment which would destroy it.⁶⁸ He differed with gentlemen who said that the people were opposed to the measure, he thought that the people were in favor of it. Gentlemen should not forget that there had been very many petitions presented on this very subject.⁶⁹ In his part of the county he could say the principle of the Bill was well esteemed. He, himself, had the honour of presenting several petitions desiring alterations in the bill, truly, but not opposed to its principle.⁷⁰ Nor did he think that the proper way to put the question was, as if the bill were intended to be a vehicle of Government patronage. We could not open the book of fate and pry into the secrets of futurity to learn who was to be returned at the next election. But he would venture to say that the present ministry would not be in office after the next election. (Laughter.) He concluded by pointing out several cases of hardships arising out of the present county divisions.⁷¹

MR. H. BOULTON was not prepared to say he would not ultimately vote for the Bill--but he thought the people of all the counties should have full opportunity of considering its provisions and pronouncing on them ere the Bill is passed. He hoped that the Bill would be postponed for a fortnight, and a copy sent to each Township's Council, so that all might know what was intended. These divisions would entail great expense on the county, and when people spoke of its lessening the journey of Jurors by bringing the Court House nearer to them, they must recollect that if they had a shorter way to go, they would have to go oftener, from the smaller number of Jurors to do the business. He had no objections to grant a division to portions of the county seeking it. The people of the county

of Brant, an active and rising locality, were desirous of obtaining a division, and he thought they should have it. But he was not in favor on that account, of cutting the whole country up, whether the people interested sought it or not.⁷²

MR. MORRISON would have objected to the Bill, had it not provided that these counties should not be set apart till the people desired them. It would require a period of four years to accomplish the change, and if the thing was attempted by any set of Reeves during their incumbancy, the people themselves, if they did not wish the change, had the power of electing a new set of Reeves at the intervening election, so that there was no danger of these new counties being formed contrary to the wishes of the people. With regard to the county of Peel, in which he was interested, were it to be set off at present, he would vote against the Bill. But in a period of four years the people will be able to say whether they will have this change or not.⁷³

MR. AT. GEN. BALDWIN alluded at some length to the bill of 1849, which changed the names of the divisions of the counties from districts into counties, and supported the change as well from the propriety of following the old country, as from the fact that the previous names led to great confusion. Had the bill of 1849 been passed for no other end, it still would have been worthy of being carried out, but every one knew that that bill was passed for the purpose of providing machinery, by which, when the country was mapped out into such divisions as would be likely to be permanent, would enable the individuals composing these divisions respectively to set up for themselves into an independent county, and every possible thing was done to provide that no change should take place until the people desired it. Not only was it necessary that there should be resolutions come to by the different town-reeves that a separation was necessary, but these resolutions were required to be adopted in two consecutive years so that it was impossible that any set of county councillors could carry through their opinions contrary to the wishes of the people. As regards the present measure, it had been substantially before the country since 1849, so that it was impossible the people could say that they were in any way taken unawares. There was, no doubt, many details [*sic*], to which objections might be urged⁷⁴. This arose from the character of the measure chiefly,⁷⁵ but it was very evident that the present counties must be divided.⁷⁶ York for instance could not remain in its present position. That being the case, he thought the best course was to provide for the whole by one general measure defining the new divisions, and allowing the people to set off the counties wherever they pleased to do so.⁷⁷ The provision made by the bill ... he considered would meet the views of the people generally. As regarded the amendment before the House, it was evident that it was introduced with a view to throw out the bill all together. Had the bill been to be referred to a select committee there might have been some plausibility in giving instructions to the committee, but when it was to be referred to a committee of the whole, it was irrelevant to move that instructions be given to the committee, because then every member had an opportunity of suggesting any changes that might be thought necessary. He was satisfied that his hon. colleague would readily adopt any suggestion that might be considered conducive to the interests of the people.⁷⁸

MR. WILSON would not oppose the bill if government say it is necessary that division should be made. He thought it better, however, that these changes be made on the responsibility of government than left to the desire of the people, because they were more likely to be affected in that way by party or local interest. As regarded Middlesex he believed they did not desire a division at all⁷⁹, but he and the county were ready if the government wished to make a change, to make it. Only they wished the change to be permanent, which he could show

the present arrangement would not be.⁸⁰ With that view they require that the division line run from North to South, instead of from East to West as provided for in the bill. These were the opinions of the people of Middlesex in reference to the division, which he would be prepared to show in committee.⁸¹ He was glad the government were willing to make reasonable alterations in their measure, because he thought he could show that the change he desired was reasonable, and would vote against⁸² the amendment, which aimed, by a side wind to get quit of the bill altogether.⁸³

(93)

The Honorable Mr. Boulton moved, seconded by Mr. Seymour, and the Question being put, That it be an Instruction to the said Committee to report that no County shall be set apart under the said Bill, until the Inhabitants of such proposed County shall have been polled, and a majority of the Inhabitants have voted in favor of such division; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cayley, Christie, Crysler, Dickson, Hopkins, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Meyers, Sanborn, Seymour, Sherwood of TORONTO, and Stevenson.--(16.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Cartier, Chabot, Chauveau, DeWitt, Solicitor General Drummond, Lachapelle, Dumas, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Lacoste, Attorney General LaFontaine, La-Terrière, Laurin, Lemieux, Letellier, Lymb, Solicitor General Macdonald, Mackenzie, McFarland, Merritt, Morrison, Notman, Price, Prince, Ross, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, and Wilson.--(39.)

So it passed in the Negative.

Then the House resolved itself into the Committee.

Mr. Dumas took the Chair of the Committee;

The three first sections passed without remark.⁸⁴

MR. WILSON moved in amendment to the fourth, that the word Elgin be struck out--that is to the effect, that amongst the counties named to be immediately set apart, Elgin should be excluded. He could not see the necessity of putting Elgin amongst these counties, because the people themselves did not wish it.⁸⁵

MR. INSP. GEN. HINCKS stated that it was larger in population than Haldimand and other counties, and he was satisfied that the people were anxious for it. The hon. member for the town of London has already told the House that the County Council of Middlesex is opposed to the division, and that he is opposed to the division. In that case the hon. member for London was not the proper party to object to the bill on behalf of Elgin. He was satisfied that the people greatly desired the change.⁸⁶

MR. WILSON endeavored to show that the people did not wish the change, but if the change was to be made, that the division line should run as he had formerly specified.⁸⁷

On a division the motion was negative 10 to 34.⁸⁸

MR. NOTMAN moved that the word Halton be inserted after the word Brant, that is, as one of the counties to be immediately set apart.⁸⁹

Lost on a division.⁹⁰

MR. WILSON moved a farther amendment, with reference to the County of Elgin, to the effect that it be put on the same footing as it was by the Act of 1849.

The Government then declared that the alteration of the division of a county was a very delicate thing, and that none should be made unless with the sanction and at the desire of the people. He asked the Government now to support that principle and he would be satisfied.⁹¹

Motion lost.⁹²

On the reading of the eleventh clause, MR. LYON moved to expunge all the words which in effect affirmed that the Grand Calumet and Grand and Little Albemettes Islands belong to Lower Canada.⁹³

MR. INSP. GEN. HINCKS explained that the Islands in question was [sic] surveyed by Lower Canada and deeded as in Lower Canada.⁹⁴

On a division the amendment was lost.⁹⁵

Clause 13 provided that, "the Counties mentioned in the Schedule to this Act, marked C, shall respectively be united under the names therein assigned, and each such name shall be represented by one member, and every other County in Upper Canada by one member," &c.⁹⁶

MR. INSP. GEN. HINCKS moved to insert the words "except the County of York," after the words "each such union shall be represented by one member, and every other County in Upper Canada by one member," so that the County of York should elect two members.⁹⁷

MR. H. SHERWOOD was entirely opposed to the amendment; it was taking the people completely by surprise.⁹⁸ Without entering into the constitutional point involved in the amendment [he] felt bound to remark that, in his opinion, the object of it was transparent; it was, that Mr. Price might assist Mr. Baldwin in his election, and Mr. Baldwin might assist Mr. Price. The amendment was proposed without notice--evidently that the public might have no opportunity of expressing an opinion which would be adverse to a mere political ruse.⁹⁹ The hon. member for the Fourth Riding (Mr. Baldwin) and the hon. member for the First Riding (Mr. Price) felt uncertain about their return and they had adopted this dodge.¹⁰⁰ Without something of this sort, two conservatives would be returned. The amendment was quite in keeping with the whole bill. (Hear.)¹⁰¹

MR. COM. CR. LANDS PRICE observed that the hon. member for Toronto (Mr. Sherwood) drew his conclusions from supposing what he and his friends would do were they in power.¹⁰² With regard to this amendment, it was proposed without the knowledge of the hon. Attorney Gen. West, and in no way affected the results of the elections to which the senior member for Toronto had adverted.¹⁰³ The sole object ... was to prevent the County of York from being cut up into two small counties. As to the manner in which the election should be made¹⁰⁴, whether jointly or not, was a matter of not the slightest consideration.¹⁰⁵ However, it might be arranged, the County of York must¹⁰⁶ without doubt, return two liberal members.¹⁰⁷ He had mentioned this to the hon. member for Norfolk, and had understood him to approve of it.¹⁰⁸

MR. H. BOULTON had certainly approved of the plan of keeping the County of York as one large county; but assuredly he had never thought of approving of the plan of making one constituency return two members, for this was the way to swamp public opinion in one locality by the majority in another locality. For his own part however, he did not think these two gentlemen could be returned even under the proposed amendment.¹⁰⁹

MR. AT. GEN. BALDWIN said the great thing was to preserve one large metropolitan county; he thought that was important, and did not know which party would be favoured by the change.¹¹⁰ He did not conceive that the change proposed would materially affect the character of the representation.¹¹¹

MR. MACDONALD, of Kingston, regarded the amendment as a political manoeuvre in disguise.--The Hon. Commissioner of Crown Lands had evidently suggested it to weaken the effect of the odium which he had incurred by the disregard of his pledges to his constituents, and to secure the support of Mr. Baldwin's friends. Each would, in this way, play into the other's hands¹¹², and ... get returned by his majority.¹¹³ The device was a palpable attempt to cover the responsibility which every member should feel to exist between himself and his constituents. The amendment would strengthen the opinion which prevails out of doors, in regard to the desire of the ministry to serve political partizans, and to advance their own ends in an unbecoming manner.¹¹⁴

SIR A. MACNAB put it to the Attorney General whether the Committee could entertain this amendment.¹¹⁵

MR. RICHARDS said the preamble to the Bill which they were considering, affirmed the expediency of making certain alterations "Judicial Municipal and for other purposes." "Other purposes" covered the amendment.¹¹⁶ The only manner in which the county could be arranged, except by the plan proposed, was by dividing it into Ridings. Now, the hon. members opposite were the very men who had destroyed the systems of Ridings, except in this one County of York; and he supposed that¹¹⁷ it was reasonable that gentlemen opposite should attribute sinister motives to ministers, bearing in mind how the gentlemen now in opposition acted in reference to the bill which was carried in 1845. That bill was introduced and carried through the House, and received the Royal assent, after the member who formerly represented the County of Lanark had been put out of the House, and it was alleged at the time, that certain alterations made by the bill, were made with the view of influencing the election.¹¹⁸

MR. H. SHERWOOD said that very addition was copied from a bill introduced by Mr. Baldwin.¹¹⁹

MR. RICHARDS said it was passed at a very peculiar time. However, the argument of hon. gentlemen opposite was, that Mr. Baldwin must help in Mr. Price, and Mr. Price Mr. Baldwin. If they could each help the other he did not see why either could require help.¹²⁰ He (Mr. R.) repudiated the insinuations that had been thrown out, being confident that the amendment now proposed was designed to preserve a large metropolitan county, of which Toronto should be the centre. How the change could ensure the re-election of members of the ministry, who would otherwise be rejected, was a mystery which he could not fathom.¹²¹ The hon. member for Norfolk had very fairly stated that the ministry would not be at all advantaged by the proposed arrangement.¹²²

MR. INSP. GEN. HINCKS contended that the argument relative to going back to a different constituency fell to the ground because the changes in the other Counties would operate in the same manner.¹²³ [He] was satisfied that the change proposed would operate disadvantageously to the Ministry, in a political point of view, rather than otherwise.¹²⁴ It was not a peculiar case. He did not see why this county should not have two representatives as well as the cities of Toronto, Quebec, and Montreal.¹²⁵ The chance of having two members of the Government returned for one County was certainly less than the chances which the same members would have of being returned by two separate constituencies.¹²⁶

SIR A. MACNAB would not be guilty of the unparliamentary practice of attributing motives to Ministers, but he could not understand the alleged necessity for the change proposed.¹²⁷ [He] could not see why the thing should not be left as it was, so far as the purposes of election were concerned. There was no other county where the electors voted each one for two members. The members of the ministry ought certainly to go back to their own constituencies.¹²⁸ They would

consult their own character and position by allowing the representation to remain as heretofore.¹²⁹

MR. H. SHERWOOD explained how the election might be affected by the present arrangement. Suppose the South Riding is pretty equally divided, of the North Riding which was a pretty close borough of the hon. Attorney-General, the great preponderance of the friends of that gentleman in the north Riding would be sufficient to carry the two Ridings.¹³⁰

MR. COM. CR. LANDS PRICE replied, pointing out that under this Act, he would now have to canvass Etobicoke, Markham, and Scarborough, which he had never before represented. He could state sincerely that he would rather go back to his present constituency, than to any other place, he would rather endure rejection at their hands, than be elected by any other constituency.¹³¹

MR. INSP. GEN. HINCKS reminded hon. gentlemen opposite, that last session he had very much annoyed the hon. member for Toronto, by acceding to his proposition as to the Post-office salaries. Now, he would not take hon. members by surprise, but would give them a few days to determine, warning them, however, that their own friends would prefer the Government scheme.¹³² He was satisfied that it was calculated to operate beneficially and satisfactorily. He recommended gentlemen to consult the County Council (now in session) on the subject.¹³³ It seemed clear that the system of Ridings was given up,--the only question, then, was between one and two counties. He would, therefore, give time to think of it, for if the hon. member continued of the same mind, he would not object to the division of the county into two.¹³⁴

MR. AT. GEN. BALDWIN was enabled to bear testimony to the satisfaction which the proposition had created, so far as he had had an opportunity of consulting those most likely to be affected. The eloquence that had been expended by gentlemen opposite vanished into thin air, when brought to this test.¹³⁵

MR. W. BOULTON could not understand why there should not continue to be two Ridings in the County of York. There were formerly four Ridings, and he could not understand why two should not continue. Adopt the line of Yonge Street as a division.¹³⁶ [He] regarded the amendment as the greatest specimen of chiselling which had yet transpired.¹³⁷

MR. MACDONALD knew no reason why the county should not remain as at present for the electoral purposes, and be divided as now proposed for judicial and municipal purposes. This plan of double voting was setting a¹³⁸ very mischievous precedent.¹³⁹

MR. AT. GEN. BALDWIN objected to having two sets of divisions, one for one purpose and the other for another.¹⁴⁰

MR. J. CAMERON objected to the manner in which the amendment had been introduced¹⁴¹. The House was taken unfairly by surprise, by being let into a subject of this kind on a bill merely intended to change the territorial divisions of the county for a totally different purpose¹⁴². It was contrary to the plain meaning of the constitutional act. He could not imagine that the delay which the hon. Inspector General at last proposed was attributable to any desire to consult the feelings of the opposition. It was more probable that he had consented to it in consequence of an apprehension that the change proposed would be more unpopular out of doors than he at first imagined it would be.¹⁴³

The amendment was then postponed.¹⁴⁴

(93)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Dumas reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Richards, seconded by Mr. Notman,
The House adjourned.

APPENDIX: 17 JUNE 1851.

[QUESTION AND ANSWER RE: TAX ON WHISKEY.]¹⁴⁵

MR. LYON [asked a question.]¹⁴⁶

MR. INSP. GEN. HINCKS stated, in answer ... that it was not the intention of the ministry to take off the excise duty on whiskey manufactured in Canada during the present session.¹⁴⁷

[QUESTION AND ANSWER RE: LAND CLAIM OF INDIANS OF LORETTE.]¹⁴⁸

MR. CHAUVEAU [asked a question.]¹⁴⁹

MR. INSP. GEN. HINCKS stated in answer ... that it is not the intention of the ministry to grant any compensation in lands to the Huron Indians of Lorette, in lieu of their claims upon the Seignories of Sillierry and St. Gabriel.¹⁵⁰

[QUESTION AND ANSWER RE: QUEBEC TURNPIKE ROADS.]¹⁵¹

MR. CHAUVEAU [asked a question.]¹⁵²

MR. INSP. GEN. HINCKS said ... that it was not their intention to bring in any measure to allow the Quebec Turnpike Road Trustees, to effect a new loan on the same conditions as the former, for completing the Roads under their controul, and also to Macadamize the Road from Charlesbourg to St. Ambroise and Lake Beauport; but they will have no objection to the hon. member bringing in a bill himself.¹⁵³

[QUESTION AND ANSWER RE: MAINTENANCE OF PEACE ON RIVER.]¹⁵⁴

MR. CHAUVEAU [asked a question.]¹⁵⁵

MR. INSP. GEN. HINCKS said ... that ... the Government ... had sent a notice to the Magistrates at Quebec to take all necessary means to preserve the peace on the river.¹⁵⁶

[QUESTION AND ANSWER RE: POSTPONEMENT OF CLERGY RESERVE RESOLUTIONS.]¹⁵⁷

SIR A. MACNAB inquired if the Government had any objection to postpone the consideration of the resolution for an address upon the Clergy Reserves question, until next Tuesday. It was a question which all the gentlemen in that house should approach with those feelings of calmness and impartiality which ought to characterize the debates of that body. It was the desire of most of the gentlemen around him, that the subject should be postponed until the day named.¹⁵⁸

MR. H. BOULTON made a similar request; he had not seen the address.¹⁵⁹

MR. COM. CR. LANDS PRICE observed that the address had been laid on hon. members' desks several days ago; besides, there was not a gentleman in the house who more thoroughly understood the question than did the hon. member for Norfolk, consequently, he could scarcely want any delay in regard to the disposition of the address. He would, however, consent to postpone the resolution, until Monday next, not at the desire of the hon. member for Norfolk, but at the desire of the hon. and gallant member for Hamilton¹⁶⁰ with, however, the distinct understanding that the question should come on, on Monday next.¹⁶¹ He was exceedingly anxious to proceed with the subject with the least possible delay¹⁶².

The postponement was agreed to.¹⁶³

[QUESTION AND ANSWER RE: LAW SOCIETY'S LOAN.]¹⁶⁴

MR. J. SMITH, of Durham, enquired of the Government when the Debentures for the loan of £6,000 to the Law Society fall due? Also, if the sum now on hand, on account of that loan, is upon interest or not, and if so, at what rate?¹⁶⁵

MR. INSP. GEN. HINCKS could not say exactly when the Debentures fall due, but it would not be for some time yet. The sum in hand, between £3,000 and £4,000, was not on interest, but the government had been for some time trying to buy the debentures at par, and had notified the Banks that they allow them to be taken up to this amount, which would be done.¹⁶⁶

FOOTNOTES: 17 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: EXAMINER, 18 June 1851, BATHURST COURIER, 24 June 1851; GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
2. NORTH AMERICAN, 20 June 1851.
3. IBID.
4. BATHURST COURIER, 24 June 1851.
5. IBID.
6. NORTH AMERICAN, 20 June 1851.
7. IBID.
8. GLOBE, 19 June 1851.
9. NORTH AMERICAN, 20 June 1851.
10. BATHURST COURIER, 24 June 1851.
11. BRITISH COLONIST, 20 June 1851.
12. NORTH AMERICAN, 20 June 1851.
13. IBID.
14. IBID.
15. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
16. NORTH AMERICAN, 20 June 1851.
17. IBID.
18. GLOBE, 19 June 1851.
19. NORTH AMERICAN, 20 June 1851.
20. GLOBE, 19 June 1851.
21. NORTH AMERICAN, 20 June 1851.
22. GLOBE, 19 June 1851.
23. BRITISH COLONIST, 20 June 1851.
24. GLOBE, 19 June 1851.
25. NORTH AMERICAN, 20 June 1851.
26. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, OTTAWA CITIZEN, 28 June 1851; NORTH AMERICAN, 20 June 1851, and BRITISH COLONIST, 20 June 1851. The following papers noted the debate in identical accounts: EXAMINER, 18 June 1851, BATHURST COURIER, 24 June 1851; MONTREAL GAZETTE, 19 June 1851, PILOT, 19 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, BRITISH WHIG, 19 June 1851, MORNING CHRONICLE, 20 June 1851. MONTREAL GAZETTE, 23 June 1851 also noted the debate. A commentary appeared in BRITISH COLONIST, 20 June 1851.
27. NORTH AMERICAN, 20 June 1851.
28. BRITISH COLONIST, 20 June 1851.
29. NORTH AMERICAN, 20 June 1851.
30. GLOBE, 19 June 1851.
31. NORTH AMERICAN, 20 June 1851.
32. GLOBE, 19 June 1851.
33. NORTH AMERICAN, 20 June 1851.
34. GLOBE, 19 June 1851.
35. NORTH AMERICAN, 20 June 1851.
36. GLOBE, 19 June 1851.
37. NORTH AMERICAN, 20 June 1851.
38. BRITISH COLONIST, 20 June 1851.

39. NORTH AMERICAN, 20 June 1851.
40. IBID.
41. IBID.
42. BRITISH COLONIST, 20 June 1851.
43. GLOBE, 19 June 1851.
44. NORTH AMERICAN, 20 June 1851.
45. BRITISH COLONIST, 20 June 1851.
46. GLOBE, 19 June 1851.
47. BRITISH COLONIST, 20 June 1851.
48. GLOBE, 19 June 1851.
49. NORTH AMERICAN, 20 June 1851.
50. GLOBE, 19 June 1851.
51. BRITISH COLONIST, 20 June 1851.
52. GLOBE, 19 June 1851.
53. BRITISH COLONIST, 20 June 1851.
54. NORTH AMERICAN, 20 June 1851.
55. IBID.
56. GLOBE, 19 June 1851.
57. IBID.
58. IBID.
59. IBID.
60. NORTH AMERICAN, 20 June 1851.
61. GLOBE, 19 June 1851.
62. NORTH AMERICAN, 20 June 1851.
63. GLOBE, 19 June 1851.
64. NORTH AMERICAN, 20 June 1851.
65. GLOBE, 19 June 1851.
66. NORTH AMERICAN, 20 June 1851.
67. GLOBE, 19 June 1851.
68. BRITISH COLONIST, 20 June 1851.
69. NORTH AMERICAN, 20 June 1851.
70. GLOBE, 19 June 1851.
71. NORTH AMERICAN, 20 June 1851.
72. GLOBE, 19 June 1851.
73. IBID.
74. IBID.
75. BRITISH COLONIST, 20 June 1851.
76. GLOBE, 19 June 1851.
77. BRITISH COLONIST, 20 June 1851.
78. GLOBE, 19 June 1851.
79. IBID.
80. BRITISH COLONIST, 20 June 1851.
81. GLOBE, 19 June 1851.
82. BRITISH COLONIST, 20 June 1851.
83. GLOBE, 19 June 1851.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. BRITISH COLONIST, 20 June 1851.
92. IBID.
93. IBID.

94. IBID.
95. IBID.
96. GLOBE, 19 June 1851.
97. BRITISH COLONIST, 20 June 1851.
98. NORTH AMERICAN, 20 June 1851.
99. GLOBE, 19 June 1851.
100. BRITISH COLONIST, 20 June 1851.
101. GLOBE, 19 June 1851.
102. NORTH AMERICAN, 20 June 1851.
103. GLOBE, 19 June 1851.
104. BRITISH COLONIST, 20 June 1851.
105. NORTH AMERICAN, 20 June 1851.
106. BRITISH COLONIST, 20 June 1851.
107. GLOBE, 19 June 1851.
108. BRITISH COLONIST, 20 June 1851.
109. IBID.
110. IBID.
111. GLOBE, 19 June 1851.
112. IBID.
113. BRITISH COLONIST, 20 June 1851.
114. GLOBE, 19 June 1851.
115. IBID.
116. IBID.
117. BRITISH COLONIST, 20 June 1851.
118. GLOBE, 19 June 1851.
119. BRITISH COLONIST, 20 June 1851.
120. IBID.
121. GLOBE, 19 June 1851.
122. BRITISH COLONIST, 20 June 1851.
123. NORTH AMERICAN, 20 June 1851.
124. GLOBE, 19 June 1851.
125. NORTH AMERICAN, 20 June 1851.
126. GLOBE, 19 June 1851.
127. IBID.
128. BRITISH COLONIST, 20 June 1851.
129. GLOBE, 19 June 1851.
130. BRITISH COLONIST, 20 June 1851.
131. GLOBE, 19 June 1851.
132. BRITISH COLONIST, 20 June 1851.
133. GLOBE, 19 June 1851.
134. BRITISH COLONIST, 20 June 1851.
135. GLOBE, 19 June 1851.
136. BRITISH COLONIST, 20 June 1851.
137. GLOBE, 19 June 1851.
138. BRITISH COLONIST, 20 June 1851.
139. GLOBE, 19 June 1851.
140. BRITISH COLONIST, 20 June 1851.
141. GLOBE, 19 June 1851.
142. BRITISH COLONIST, 20 June 1851.
143. GLOBE, 19 June 1851.
144. IBID.
145. The following papers reported this question in identical accounts: BRITISH WHIG, 18 June 1851, MONTREAL GAZETTE, 18 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, LA MINERVE, 18 June 1851; EXAMINER, 18 June 1851, BATHURST COURIER, 24 June 1851; GLOBE, 19 June 1851, PILOT, 24 June 1851, OTTAWA CITIZEN, 28 June

- 1851; NORTH AMERICAN, 20 June 1851, and BRITISH COLONIST, 20 June 1851.
146. NORTH AMERICAN, 20 June 1851.
 147. IBID.
 148. The following papers reported this question in identical accounts: BRITISH WHIG, 18 June 1851, MONTREAL GAZETTE, 18 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, LA MINERVE, 18 June 1851; EXAMINER, 18 June 1851, GLOBE, 19 June 1851, NORTH AMERICAN, 20 June 1851, BRITISH COLONIST, 20 June 1851, PILOT, 24 June 1851, BATHURST COURIER, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851.
 149. BATHURST COURIER, 24 June 1851.
 150. IBID.
 151. The following papers reported this question in identical accounts: BRITISH WHIG, 18 June 1851, MONTREAL GAZETTE, 18 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, and LA MINERVE, 18 June 1851. The following papers reported the question in partially identical accounts: EXAMINER, 18 June 1851, GLOBE, 19 June 1851, NORTH AMERICAN, 20 June 1851, BRITISH COLONIST, 20 June 1851, PILOT, 24 June 1851, and BATHURST COURIER, 24 June 1851.
 152. NORTH AMERICAN, 20 June 1851.
 153. IBID.
 154. The following papers reported this question in identical accounts: BRITISH WHIG, 18 June 1851, MONTREAL GAZETTE, 18 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, and LA MINERVE, 18 June 1851.
 155. BRITISH WHIG, 18 June 1851.
 156. IBID.
 157. The following papers reported this question in identical accounts: EXAMINER, 18 June 1851, BATHURST COURIER, 24 June 1851; GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The question was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
 158. NORTH AMERICAN, 20 June 1851.
 159. IBID.
 160. IBID.
 161. BRITISH COLONIST, 20 June 1851.
 162. GLOBE, 19 June 1851.
 163. NORTH AMERICAN, 20 June 1851.
 164. The following papers reported this question in identical accounts: EXAMINER, 18 June 1851, GLOBE, 19 June 1851, NORTH AMERICAN, 20 June 1851, BRITISH COLONIST, 20 June 1851, PILOT, 24 June 1851, BATHURST COURIER, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851.
 165. GLOBE, 19 June 1851.
 166. IBID.

WEDNESDAY, 18 JUNE 1851.

(93)

Montreal
Assurance
Company.

MR. Speaker laid before the House, a Statement of the Affairs of the Montreal Assurance Company, on the 31st May, 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Sherwood,--The Petition of the Council of the Toronto Board of Trade; and the Petition of Messrs. Whittemore, Rutherford and Company, and others, Merchants, Traders and others, of the City of Toronto.

By Mr. Flint,--The Petition of Michael Brennan and others, Roman Catholics, of the Town of Belleville.

By the Honorable Mr. Macdonald,--The Petition of J. Counter, Esquire, and others, Office-bearers and Members of the Committee of the Mechanics' Association of the City of Kingston.

By Mr. Hall,--The Petition of the Reverend William Macalister and others, of Port Sarnia.

By Mr. Bell,--The Petition of the Municipality of the Township of Burgess.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Honorable Robert Jones and others; praying the adoption of measures to relieve proprietors of Roads and Bridges from the operations of the Imperial Act 1 Vic. cap. 36, sec. 9, imposing a penalty upon any person in charge of a Toll Gate who shall demand Toll for any person, horse or conveyance carrying the Mail.

Of the Corporation of the Montreal General Hospital; praying the usual aid in behalf thereof.

Of Leonard Wilcox, of the City of Toronto; praying indemnity for the loss of a Sailing Vessel and other property seized by the Collector of Customs for the Port of York, (now Toronto,) in the year 1815.

Of the Municipal Council of the County of Quebec; praying that no immediate action may be taken upon the Municipalities Bill or the Road Bill for Lower Canada, now before the House.

Of J.G. Bowes, Esquire, and others, of the City of Toronto; praying certain amendments to the Act incorporating the Toronto and Goderich Railroad Company.

Of William P. Howland and others, of the Townships of York and Etobicoke; praying certain amendments to the Act incorporating the Toronto and Goderich Railroad Company, and that the Charter of the Toronto and Lake Huron Railroad Company may not be revived as petitioned for.

Of David Currie and others, of the Township of Mono, County of Simcoe; praying aid to open and improve a Road from the south to the northwest corner of the said Township.

(94)

Of Olivier Plette and others, of the Parish of St. Roch, County of L'Islet; praying aid to open a Road from the Seigniorial line between the said Parish and Fief Réaume, to the Frontier Line.

Of the Reverend Z. Sirois and others, of the Parish of St. Pierre, Rivière du Sud, County of L'Islet; praying for a Road of communication from the said Parish.

Of John Gibson, of the Township of Grantham, County of Lincoln; praying indemnity for the expenses incurred by him in the pursuit and capture of one William

Mackenzie, for the crime of Forgery.

Of James Benson and others, of the United Counties of Lincoln, Haldimand and Welland; praying an Act of incorporation to enable them to purchase "The Welland Canal Lands" between St. Catharines and Thorold, and for other purposes.

Of Joseph S. Armond and others, Censitaires, of the County of Montreal; praying the adoption of measures for defining the rights of Seigniors, and to abolish the Seigniorial Tenure in Lower Canada.

Of M. Raymond and others, of the Parish of Longue Pointe, County of Montreal; praying the passing of an Act to amend the Act 4 Will. 4 cap. 33, so as to authorize the establishment of Independent Rural Mutual Insurance Companies, under certain circumstances.

Of the Reverend Louis Lefebvre and others, of the Parish of Ste. Geneviève, County of Montreal; praying the passing of an Act to authorize the establishment of an Independent Mutual Fire Assurance Company in the said County.

Of the Very Reverend P. Billaudèle, Superior of the Ecclesiastics of the Seminary of St. Sulpice at Montreal, and Curé of the Parish of Montreal; praying that the Bill to prevent interments in buildings used for Public Worship may not pass into Law, or otherwise to exempt the said Seminary from its operations.

Of the Reverend J.B. St. Germain, President of L'Académie Industrielle in the Parish of St. Laurent, County of Montreal; praying aid in behalf thereof.

Of Mrs. Charlotte Elmsley and other Ladies, of the City of Toronto; praying aid for the Orphan Asylum established in the said City.

Of the Reverend H.J. Grasett and others, of the City of Toronto; praying an Act of incorporation under the title of "The House of Industry of the City of Toronto."

Of W.C. Keele, of the City of Toronto, Esquire, Attorney at Law; praying the House to order the purchase of a few copies of his work on Criminal Law, called "The Provincial Justice," to aid in defraying the expenses of publishing the new edition thereof.

Of the Reverend John Black and others, of the Village of Napanee and its vicinity; of Matthew McElroy and others, of the Townships of Kingston and Portland; of John Ritchie and others, of the Township of Storrington; and of the Reverend D.M. McAleese and others, of the Township of Ramsay; praying the adoption of measures for abolishing all labor on the Lord's Day in the Postal Department of the public service.

Of C.H. Waterous, of the Town of Brantford, Engineer; praying for the passing of an Act to naturalize him as a British subject.

Of John Watson, senior, and others, of the West Riding of the County of York; and of the Municipality of the Township of Chinguacousy, West Riding of the County of York; praying that the proposed Bill to alter the Territorial Divisions of Upper Canada, in so far as it regards the setting apart of the said Riding as a new County, may pass into Law, with a certain amendment.

Of Robert Dwyer, junior, and others, of the Townships of Chinguacousy and Albion, County of York; praying that the proposed Bill to alter the Territorial Divisions of Upper Canada, in so far as it provides for setting apart the West Riding of the said County as a new County, may not pass into Law.

Of John McGill Chambers, of the Township of Montague; praying the appointment of Commissioners to hear evidence, and finally settle the boundary line between the fourth concession of the said Township and North Elmsley.

Of His Grace The Archbishop of Quebec, and the Right Reverend the Bishop of Tloa, his Coadjutor; praying that the Bill to prevent interments in buildings used for Public Worship, may not pass into Law.

Of Miss Eliza Taylor, Secretary, on behalf of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum at Quebec; praying aid in behalf thereof.

Of the Reverend George Mackie, D.D., and others, the Committee of management of the National Schools at Quebec; praying an increased aid in behalf thereof.

Of the Municipal Council of the County of Norfolk; praying the passing of an Act to confirm certain By-Laws of the late District of Talbot, notwithstanding any technical informalities therein.

Petitions
referred.

Ordered, That the Petition of the Reverend H.J. Grasett and others, of the City of Toronto; the Petition of James Benson and others, of the United Counties of Lincoln, Haldimand and Welland; the Petition of the City of Kingston Water Works Company; and the Petition of the Municipal Council of the County of Norfolk, be referred to the Standing Committee on Standing Orders.

First Report on
Settlement of
Eastern Town-
ships.

Mr. Fortier, from the Select Committee appointed to enquire into the causes which prevent or retard the settlement of the Eastern Townships in the Districts of Three Rivers, St. Francis and Quebec, and to report on the means which it would be more expedient to adopt in order to facilitate the settlement of the said Townships, and other references, with power to report from time to time, presented to the House the First Report of the said Committee; which was read.

Appendix (V.)

For the said Report, see Appendix (V.)

Ordered, That the said Report, and the Documents accompanying the same, be printed in pamphlet form for the use of the Members of this House.

Sixth Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of George Crawford and others, and of Pierre Hébert and others, and find in each case, that sufficient notice has been given.

The Petition of the Church Society of the Diocese of Quebec for a division of the said Corporation into two, for the Dioceses of Montreal and Quebec respectively, Your Committee do not consider of such a nature as to require the publication of notice.

Your Committee have reconsidered that part of their Third Report which relates to the Petition of Alexander Douglas and others, for an Act of incorporation to construct a Suspension Bridge across the River Niagara, near the Waterloo Ferry. A notice has now been proved before them, as having been published in a local paper for the full period required; but the notice is not fully in accordance with the 65th Rule, inasmuch as it merely states that the proposed

(95)

Bridge is to be of sufficient height for all vessels to pass under, while the Rule requires the exact height to be specified; and, furthermore, there is no mention of the rate of tolls to be demanded by the Company. Your Committee conceive that these deficiencies might be remedied by providing in the Bill that the height of the Bridge above the stream, and the rate of tolls to be levied, be regulated by the Executive Government; and upon these conditions they would respectfully recommend that the notice be considered sufficient.

Sheriffs'
Appointment
Bill, (U.C.).

Mr. Mackenzie presented a Bill to provide for the appointment of the Sheriffs of Counties in Upper Canada at periodical Elections by the Freeholders: And the same was read the first time; and ordered to be read a second time on Monday next.

Adjournment.

Resolved, That when this House doth adjourn, this day,
it will adjourn until Friday next.

On motion of Mr. Letellier, seconded by Mr. Lemieux,

Legislative Council.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a copy of any Dispatches which may have passed between the Imperial Government and that of this Province, on the subject of the expediency of rendering the Legislative Council of the Province of Canada elective.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. H. BOULTON¹ moved for a return relative to the late University of King's College, and the University of Toronto.²

MR. INSP. GEN. HINCKS said he did not see how the information could be obtained by the Government, as the affairs of the University had been administered by a Corporation over whom the Government had no control.³

MR. H. BOULTON said that if the authorities of the University noticed the information he sought for, he should move for a committee of the House, and should then require their attendance before the committee.⁴

(95)

On motion of the Honorable Mr. Boulton, seconded by Mr. Christie,

Universities of King's Colleges and of Toronto.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Tabular Return of the Professors and other persons who received salaries or other emoluments from the late University of King's College, and of the Professors and other persons receiving from, or to whom salaries have been assigned in, the University of Toronto, up to the present time; distinguishing each year the amount of their respective salaries and emoluments, the number of Students attending each course of Lectures, and whether such Students have been matriculated or not; the fees charged to each Student, the number of Lectures delivered each week by each Professor, and the number of attendants at each Lecture; the annual income of the University, and whether any and what part of the endowment has been applied to the annual expense, and during what years has any part of the endowment been so applied; and what Pensioners are paid out of the funds of the University.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Message from the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Printing and Distribution of the Provincial Statutes.

Mr. Speaker,

The Legislative Council do give leave to John Fennings Taylor, Esquire, Clerk, and Robert LeMoine, Esquire, Assistant Clerk, of their House, to attend the Standing Committee of this House on Printing, at the hour of ten in the forenoon, on Friday next, to be examined before the said Committee on the subject of the Printing and Distribution of the Provincial Statutes.

And then he withdrew.

Elective
Franchise Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to extend the Elective Franchise.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

School Acts
(L.C.) Amend-
ment Bill.

Ordered, That Mr. McConnell have leave to bring in a Bill to amend and explain the School Acts in force in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Bill to vacate
Seats of Mem-
bers in certain
cases.

Ordered, That Mr. Ross have leave to bring in a Bill to render vacant the Seats of Members of the Legislative Assembly in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time;⁵

MR. ROSS ... did say a word or two in explanation, but he spoke in a hurried manner, and was not distinctly audible. He said something about "guilty of treason," "having taken the oath of allegiance to a foreign state," and "infamous practices."⁶

(95)

and ordered to be read a second time on Monday next.

Yamaska
Common Bill.

Ordered, That Mr. Fourquin have leave to bring in a Bill to revive the Act authorizing the Inhabitants of the Seignior of Yamaska to regulate the Common of

the said Seignior.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Lessors Rights
Bill, (L.C.).

Ordered, That Mr. Laurin have leave to bring in a Bill for the more summary and effectual exercise of the rights of Lessors in certain cases in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Price,

Speech
Considered.

Ordered, That the Speech of His Excellency the Governor General delivered to both Houses of the Provincial Legislature, be now taken into consideration.

The House proceeded accordingly to take the said Speech into consideration. And the same was again read.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, That a Supply be granted to Her Majesty;

Resolved, That this House will, on Friday next, resolve itself into a Committee to consider of that Motion.

Trade and
Navigation.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of

His Excellency the Governor General,--Tables of the Trade and Navigation of the Province of Canada, for the year 1850.

Appendix (A.)

For the said Papers, see Appendix (A.)

Petition of the Corporation of Quebec.

Ordered, That the Sixty-fourth Rule of this House be suspended as regards the Petition of the Mayor and Councillors of the City of Quebec relating to arrears of Taxes.

Bill relating to the Fisheries in the Gulf of St. Lawrence.

The Order of the day for the second reading of the Bill to remove all doubts as to the right of Her Majesty's subjects in Canada carrying on the Fisheries in the Gulf of St. Lawrence to land and occupy, for the nec-

(96)

essary purposes thereof, any unoccupied places on the North Shore or Labrador, within the limits of the Province, they may deem suitable thereto, and freely to carry on their Fisheries thereat, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Division Line Bill.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Penitentiary management Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Bill relating to Gaols and Houses of Correction.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of Correction for

Juvenile offenders, being read;

Ordered, That the Bill be read a second time on Tuesday next.

Bill relating to depredations &c. by Raftsmen.

The Order of the day for the second reading of the Bill to afford a better remedy to persons suffering from depredations and trespasses committed by Raftsmen, being read;⁷

MR. W. SCOTT (of Two Mountains) moved the second reading of the Bill to prevent Depredations by Raftsmen. He stated that it was his intention to refer the bill to a select committee.⁸

MR. BADGLEY said he trusted the Solicitor General would look to the terms of the bill. It appeared to him that it contained some objectionable principles as for instance it made masters liable for the depredations of their servants.⁹

MR. SOL. GEN. DRUMMOND said he was aware that the bill did contain some objectionable principles, but he understood some very stringent law was necessary to prevent depredations by lumbermen, and he did not see any objection to the second reading of the bill, as it was intended to be referred to a select committee and he hoped some hon. member interested in the lumber trade would be on the committee and give the matter his attention.¹⁰

MR. LYON opposed the bill, and condemned the principle of special legislation¹¹ to meet offences with which the existing laws were quite competent to deal.¹²

Other members made remarks on the measure.¹³

MR. W. SCOTT withdrew the motion, and moved instead that the Bill be referred to a select committee, with instructions to report thereon.¹⁴

(96)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Scott of Two Mountains, Mr. Lyon, the Honorable Mr. Chabot, Mr. Jobin, Mr. Armstrong, the Honorable Mr. Badgley, and Mr. Scott of Bytown, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Real or Mixed
Actions Bill,
(L.C.).

The Order of the day for the House in Committee on the Bill to amend the Law in Lower Canada as regards the District in which real or mixed Actions may be commenced, being read;

The House accordingly resolved itself into the said Committee.

Mr. McLean took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. McLean reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. McLean reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed; and read the third time on Monday next.

Joint Stock
Road Com-
panies Bill,
(U.C.).

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," and to extend the provisions thereof, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill abolishing
Imprisonment
for Debt, (U.C.).

The Order of the day for the second reading of the Bill for abolishing imprisonment for Debt in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Chancery De-
crees and
Orders Bill,
(U.C.).

The Order of the day for the second reading of the Bill to confirm Decrees and Orders, and other proceedings of the Court of Chancery of Upper Canada, in certain cases, being read;

Ordered, That the Bill be read a second time on Monday next.

Criminal Law
Amendment
Bill.

The Order of the day for the House in Committee on the Bill for the further amendment of the administration of the Criminal Law, being read;

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed; and read the third time on Friday next.

Bill relating to
Deeds creating
Debts to the
Crown.

The Order of the day for the House in Committee on the Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown, being read;

The House accordingly resolved itself into the said Committee.

*Mr. Armstrong took the Chair of the Committee;*¹⁵

MR. H. SHERWOOD moved an amendment which in substance provided that parties who had purchased property liable for deeds to the Crown, ought not be deprived of it, if there had been no delineation by the officer for whom security was given before the purchase by the third party. The hon. member briefly explained the state of the Law as it at present stands in relation to this subject. If a party purchased land or any other real estate from a public officer, or from the security of a public officer, and several years afterwards that officer became a defaulter, the Crown could come up on the purchaser and deprive him of the property though he had been in quiet possession of it for ten years perhaps. The Crown, he contended, should be put upon the same level in this respect as the subject, and he cited the case of banks and railroad companies taking security for their different officers, and yet the party becoming security being at perfect liberty to dispose of the property the day after he became the security, if he chooses. Let the Government do as was done in Lower Canada; take a mortgage apothecated upon property.¹⁶

MR. SOL. GEN. MACDONALD was opposed to the amendment; he thought it was one which would have the effect of restricting the security of the Government.¹⁷

MR. H. BOULTON contended that this was a most important subject. If the state of the law were generally known, no man in his senses would become security for a public officer, and no man in his senses would buy land of a public officer or his security. These measures did not at all meet the case. The Government ought to have no other security on bonds than any private individual. It was very well to talk of the rights of the Crown; but he considered the rights of the people far more valuable. Even supposing this bill passed, which obliged the Government to register these bonds, how could a buyer know whether the seller had ever become security to the Government? To give due notice these bonds ought to be registered all over the Province. Let the Government if they wanted landed security take a mortgage like other people. At present no man could know whether he was safe.¹⁸

MR. CHABOT expressed his opinion in favour of the bill. He thought the Government ought to be placed on the same footing as any individual as to the necessity of registration, for at Quebec, fully as much as any where else, they had found the inconvenience of the hypothèques of the Government not being registered; but he would go no farther because it would be impossible for the Government to know at any particular moment whether any public officer was a defaulter or not.¹⁹

MR. SOL. GEN. DRUMMOND understood at first that the bill would be applicable to both sections of the Province; but this could not be in its present shape, and perhaps a new bill might be brought in for Lower Canada. He fully approved of putting the Crown on the same footing as other persons taking security. He thought the least the law officers could do in taking security was to take the same pains as other persons. He could not, however, agree to the amendment of the hon. member for Toronto, for if it became law, a surety might sell his property immediately after he had given that security, though it was only upon the faith of that property alone that the security was accepted.²⁰

MR. H. SHERWOOD explained.²¹

MR. SOL. GEN. MACDONALD wished the Government to be in the same position as other parties. Now, in Upper Canada, if a private party took security as for example, the Upper Canada Bank, the party giving the security was at liberty to sell his property immediately. Well, if that were wrong let all parties enjoy the rights enjoyed by the Government; but if that were done, there would not be a single conveyance in the country that could be held good for anything. In Lower Canada, to which the Solicitor General referred, Government got a hypothèque when they got security. Let them get a mortgage in the same way in Upper Canada.²²

MR. J. SMITH (Durham) contended that the Bill as brought in, effected a sufficient remedy for the evil complained of.²³ [He] understood that the bond of security for public officers, to be given the Crown, would, under the operation of the Act, have the same effect as a mortgage. It was proposed that this bond should be registered. Well, when the bond was so registered any one desirous to purchase a bond from the party who gave the bond, would find that standing as an incumbrance--with what others there might be--against the property.²⁴ That put all parties then precisely on the same footing.²⁵ It was clear, however, that the amendment would place government under great disadvantage, and he was therefore opposed to it.²⁶ The amendment ... would leave the Government without any security at all.²⁷

MR. CAMERON went in opinion as far as the hon. members for Norfolk and Toronto, but he asked only for what he thought would be given, rather than what he thought exactly the best thing. He then explained in the same way Mr. Smith had done that the Government, under the bill would be put in the same position as private parties, in as much as the bond to Government would just amount to the mortgage²⁸ on real estate²⁹ to an individual³⁰, and unless government registered such bond they would lose their lieu. He suggested that Mr. Sherwood should withdraw his motion, and if he still adhered to his opinion, he might introduce a³¹ distinct Bill to deprive the Crown of its present rights of priority before other creditors.³²

MR. H. SHERWOOD withdrew his motion³³.

The Bill passed through committee without amendment.³⁴

(96)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Armstrong reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Friday next.

Deceased

Persons

Estates Bill.

The Order of the day for the House in Committee on the Bill for the better administration of the Estates of Deceased Persons, being read;

Ordered, That the said Order be discharged.

Resolved, That the Bill be referred to a Select Committee, composed of the Honorable Mr. Cameron of Cornwall, Mr. Solicitor General Macdonald, the Honorable Mr. Macdonald, Mr. Richards, and Mr. Burritt, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Law of

Evidence

Bill, (U.C.).

The Order of the day for the House in Committee on the Bill to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to improve the Law of Evidence of Upper Canada," being read;

*The House accordingly resolved itself into the said Committee.
Mr. Sanborn took the Chair of the Committee;*³⁵

In moving the first clause MR. J. CAMERON stated that the bill permitted county courts to issue commissions to examine persons out of their jurisdiction, as the superior courts now did, and also,³⁶ on consideration he had resolved to amend his bill so that no wife should be allowed to give evidence for or against her husband. He also thought it was going too far, at first to make plaintiffs and defendants competent witnesses at all trials, and proposed to amend his bill so that either party might call the other as a witness, on giving eight days' notice previous to the trial. He moved amendments embodying these alterations on the draft.³⁷

MR. J. SMITH (Durham) was in favour of the improvement contemplated by this Bill, but he thought it should not extend to suits growing out of transactions prior to the passage of this act. He also³⁸ moved an amendment to one of the clauses, by which³⁹ no plaintiff or defendant should be called on to give evidence in case such evidence were to involve him in penal consequences.⁴⁰

MR. H. SHERWOOD understood that in the first instance it was intended to allow either party to tender his own evidence and be examined, and he approved of that plan.⁴¹ That practice obtained in many of our small courts in the court of Requests &c. &c. &c.⁴² He had known cases in which the decisions would have been perfectly different from what took place, if parties could have been examined in their own cause. He was not afraid of any evidence going before a jury.⁴³ He thought plaintiff and defendant should be both competent witnesses on all causes, and let the jury judge how far their stories were to be credited.⁴⁴

MR. SOL. GEN. MACDONALD in some brief remarks expressed his concurrence in Mr. Cameron's amendments.⁴⁵

COL. PRINCE made some general remarks on the law of evidence, and admitted that there should be some extension of the law in Upper Canada in this respect. He was in favour of the evidence of married women being taken for or against their husbands in civil cases, but not in criminal. The law as it at present stood proceeded on the absurd supposition that married women would swear right or wrong in favour of their husbands. Now, that was doing women a great injustice. He illustrated the argument by stating that very often in stores in the country, the wife was the only witness of the sale; and unless her evidence were admitted, the husband might be defrauded out of his just claim. He concluded by saying that no man had done more for the improvement of the law of Upper Canada than his hon. friend from Cornwall.⁴⁶

A few remarks [came] from MR. SOL. GEN. DRUMMOND.⁴⁷

MR. J. CAMERON said that he should prefer to carry the Bill in its original shape and would have tested the House upon it, and if that had not been agreed to, he would have tried his amendments. But he could not take this course, as he had pledged himself to the amendments to the Attorney General West.⁴⁸

MR. H. BOULTON was in favour of the Bill to its fullest extent, and made some remarks to show its necessity.⁴⁹

MR. H. SHERWOOD continued to justify the view he had already advocated by citations of the opinions of a number of English authorities, including fifty-nine out of sixty County Judges in that country, and Lord Denman. Nor could he understand why the Judges of the Superior Courts should have less power than was now accorded to the Judges of Inferior Courts. They had quite as much knowledge and discrimination.⁵⁰

MR. SOL. GEN. MACDONALD said a few more words in support of the views he had before stated.⁵¹

MR. ROSS said he would not like to see a man a witness in his own cause, as he would thereby be tempted to the exaggeration of the case, if not to actual perjury.⁵² It was as reasonable to make a man a judge of his own cause as to make him a witness in it. He would say this much--though he did not like to interfere in Upper Canada affairs--because he feared that the pernicious influences, and moral infection that would arise from the passage of such a measure, might possibly extend to Lower Canada.⁵³ He thought that it aimed a blow at the safeguards of law, which ought to be checked at the outset.⁵⁴

[There ensued] after considerable debate.⁵⁵

The bill passed through committee, as amended by Mr. [J.] Cameron, and embodying the amendment by Mr. [J.] Smith, exempting a witness from questions that might expose him to penalties.⁵⁶

(96)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Sanborn reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Sanborn reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed; and read the third time on Friday next.

Parishes,
Churches, &c.
Erection Bill,
(L.C.).

The Order of the day for the second reading of the Bill to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches, and Church Yards in Lower Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Water Power
Bill, (U.C.).

The Order of the day for the second reading of the Bill to encourage and protect the creation of water-

(97)

power for manufacturing purposes in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Presentation
of Joint
Addresses.

The Honorable Mr. Boulton, from the Select Committee to which were referred the Reasons of the Legislative Council delivered at the Conference held on the 12th June instant, by the Managers on the part of their Honors to the Managers appointed by this House, relative to the Message of the Legislative Council of the fourth instant, respecting the Joint Address of both Houses on the subject of Duties on Foreign Timber,--and also, the Reasons communicated from this House to the Legislative Council at the former Conference on the same subject, with an Instruction to search for precedents, and to report also their opinions,--presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee do not find any instance in the Journals of the British Parliament during more than two Centuries, (a period sufficiently early, in the opinion of Your Committee, to recur to,) of the House of Lords, naming such Members of the Privy Council who were Members of that House to go with Members of the House of Commons to present a Joint Address to the Sovereign; and for greater certainty, Your Committee beg leave to annex to their Report, by way of Appendix, from the Journals of the House of Commons, all the precedents on this subject

from 1673 to the present time, which doubtless are on questions of intercourse between the two Houses identical with those which might be found in the Lords' Journals, were they in the Library of either House to refer to; and these precedents will shew the invariable rule to have been, that whatever number of Peers the Lords appoint to present a Joint Address of both Houses, their Lordships desire that the Commons will appoint a proportionable number of their Members to go with them, which is always twice the number of Peers, except when the Peers appoint the Lord Chancellor only, and then the Commons appoint the Speaker only to go with him.

Your Committee are of opinion, that although Members of either House have upon various occasions, as the precedents annexed to this Report shew, been appointed to go with Joint Addresses to the Sovereign, by their respective Bodies, by name of office; yet, such designations were evidently the mere Parliamentary mode of courteously designating the persons intended to be sent, and by no means warrant the conclusion that it was the Functionary as such, and not the Individual, who was intended in his official character to fulfil the duty assigned to him.

The principle which guides the proceedings of the Peers and the Commons in this respect, in their intercourse between themselves, is, that twice the number of Commoners are appointed to meet half the number of Peers, and whether the persons are designated by name of office or not, the proportionable number is never departed from; and this is the principle which Your Committee are of opinion should guide the intercourse between the Honorable the Legislative Council and Your Honorable House, which the irregular practice, introduced since the Union, entirely precludes:--1st. Because neither House has any official knowledge of the number of Executive Councillors belonging to the other; 2nd. Because these numbers are constantly fluctuating.

That Your Honorable House is as much in fault in continuing this irregular practice, as the Honorable the Legislative Council were in introducing it, cannot be denied, nor that it has been more general than it was first supposed, as stated in the Reasons offered to Your Honorable House by the Honorable the Legislative Council at the last Conference; yet Your Committee are of opinion that it is now desirable to recur to the strict practice established in the British Parliament, whence we derive our course of Parliamentary procedure; And Your Committee have every confidence that the Honorable the Legislative Council will, in their wisdom, quite irrespective of the irregular practice of our own Parliament, readily acquiesce in the desire expressed by Your Honorable House of sedulously adhering to British precedent.

Extracts from the Journals of the House of Commons, shewing the mode of presenting Joint Addresses of both Houses of Parliament:--

"March 27th, 1673.

"A Message from the Lords by Sir John Coell and Sir William Bevershaw:--

"Mr. Speaker,

"The Lords have commanded us to acquaint you, That His Majesty hath appointed three of the clock this afternoon, for the Committees of both Houses to attend him at Whitehall with the Address of both Houses for the encouragement of the Manufactures of this Kingdom: and the House of Peers have appointed a Committee of nine Lords for that purpose.

"Ordered, That Eighteen Members be appointed a Committee, to join with the Lord's Committee in presenting the Address to His Majesty.

"March 15th, 1688.

"A Message from the Lords:--

"Mr. Speaker,

"We are sent by the Lords to acquaint this House, That the Lords have concurred in the Addresses sent from this House; and that they have appointed Two

Lords, to go presently to Hampton Court, to wait upon His Majesty with it: and that their Lordships do desire that this House will appoint a proportionable number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords to wait upon His Majesty with the Address.

"March 31st, 1756.

"A Message from the Lords:--

"Mr. Speaker,

"The Lords have commanded us to acquaint this House, That His Majesty has appointed to-morrow at two o'clock, to be attended with the Address of both Houses of Parliament, at his Palace of St. James; and their Lordships have ordered the Lord Steward, and the Lord Chamberlain, to attend His Majesty therewith on the part of the House of Lords; and do desire this House to appoint a proportionate number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon His Majesty with the Address.

"December 23rd, 1708.

"A Message from the Lords:--

"Mr. Speaker,

"We are commanded by the Lords to acquaint this House, That Her Majesty has appointed six o'clock, this evening, to be attended with the Address of both Houses; and that in respect of Her Majesty's present circumstances, their Lordships have ordered the Vice-Chancellor only to attend Her Majesty at that time, on the part of that House.

"Ordered, That Mr. Speaker only do attend Her Majesty at that time, on the part of this House.

(98)

"January 27th, 1708.

"A Message from the Lords:--

"Mr. Speaker,

"We are commanded by the Lords to acquaint this House, That Her Majesty hath appointed between seven and eight o'clock to-morrow, in the evening, to be attended at St. James, with the Address of both Houses; and that in respect to Her Majesty's present circumstances, their Lordships have ordered the Lord Chancellor only to attend Her Majesty, on the part of their House.

"Ordered, That Mr. Speaker only do attend Her Majesty at that time, on the part of this House.

"March 2nd, 1708.

"A Message from the Lords:--

"Mr. Speaker,

"We are commanded by the Lords to acquaint you, That Her Majesty has appointed to-morrow, at six o'clock in the evening, at St. James, to be attended with the Address of both Houses; and that in respect to Her Majesty's present circumstances, their Lordships have ordered the Lord Chancellor only to attend Her Majesty, on the part of their House.

"Ordered, That Mr. Speaker do attend Her Majesty at that time, on the part of this House.

"January 29th, 1789.

"A Message from the Lords:--

"The Lords have ordered the Lord President, and the Lord Privy Seal to attend His Royal Highness the Prince of Wales, with the several Resolutions agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the Royal Authority during His Majesty's illness, on the part

of their Lordships; and desire that this House will appoint a proportionable number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon His Royal Highness the Prince of Wales with the said Resolutions.

"The Lords have ordered the Earl of Waldegrave, and the Earl of Aylesbury to attend Her Majesty with the Resolution and Address agreed to by the Lords of His Majesty's Household, on the part of their Lordships; and desire that this House will appoint a proportionable number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon Her Majesty with the said Resolution and Address.

"June 8th, 1801.

"A Message from the Lords:--

"Mr. Speaker,

"The Lords have commanded us to acquaint this House, That His Majesty has appointed to-morrow at two o'clock, to be attended with the Address of both Houses of Parliament, at His Palace at Kew; and that their Lordships have ordered the Duke of Portland, and the Lord Steward of the Household, to attend His Majesty therewith, on the part of the Lords; and do desire this House to appoint a proportionable number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon His Majesty, with the said Address.

"Mr. Secretary at War reported to the House, That pursuant to the Order of yesterday, Mr. Abbott, Mr. Corry, Mr. Steele, and himself, went to wait upon His Majesty at Kew, where they found the Duke of Portland, and the Lord Steward of the Household, from the Lords, to present the Address agreed upon by both Houses to His Majesty; and that they presented the same; and His Majesty was pleased to say, He would give directions accordingly.

"June 26th, 1816.

"A Message from the Lords:--

"Mr. Speaker,

"The Lords have commanded us to acquaint this House, That His Royal Highness the Prince Regent has appointed to-morrow, at three o'clock, to be attended with Addresses of both Houses of Parliament, at Carleton House; and that their Lordships have ordered the Earl Stanhope and the Lord Calthrope to attend His Royal Highness therewith, on the part of the Lords; and do desire this House to appoint a proportionable number of their Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon His Royal Highness the Prince Regent with the said Address.

"July 1st.

Mr. Rose reported to the House, That, pursuant to their Order of Wednesday last, Mr. Bathurst, Mr. Dundas, Mr. Peel, and himself, went to wait upon His Royal Highness the Prince Regent, at Carleton House, where they found the Earl Stanhope and the Lord Calthrope from the Lords, to present the Address agreed upon by both Houses to His Royal Highness; and that they presented the same.

"July 20th, 1830.

"A Message from the Lords:--

"Mr. Speaker,

"The Lords have commanded us to acquaint this House, That His Majesty has appointed Thursday next, at two o'clock, at his Palace at St. James, to be attended with the Address of both Houses of Parliament; and that their Lordships have ordered the Lord Steward and the Lord Chamberlain of the Household, to attend His Majesty therewith, on the part of their Lordships, and do desire this House to appoint a proportionable number of its Members to go with them.

"Resolved, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon His Majesty with the said Address."

Extracts from the Journals of the Legislative Assembly of Canada, shewing the mode of presenting Joint Addresses of both Houses of Parliament.

"18th August, 1841.

"A Message from the Legislative Council:--

"Ordered, That the Speaker of this House do wait upon His Excellency the Governor General, with the Honorable the Speaker of the Legislative Assembly, to know when His Excellency would be pleased to receive the Joint Address of both Houses, with the Petitions to Her Majesty and the two Houses of the Imperial Parliament, on the subject of the Timber Duties, and to present the same.

"Ordered, That the preceding Resolution be communicated to the Legislative Assembly by the Master in Chancery, and that he be directed to request that that part of the same which relates to their Speaker may be concurred in.

"Resolved, That this House doth concur in the Message of the Legislative Council, relating to the Speaker of this House waiting on His Excellency the Governor General with the said Address.

(99)

"16th September, 1841.

"A Message from the Legislative Council:--

"Ordered, That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have concurred in the Address to His Excellency the Governor General, praying His Excellency to transmit to England the Bill "passed by the two Houses, intituled, "An Act for the disposal of the Public Lands;" and have appointed the Honorable Messieurs Sullivan and Morris to be a Committee on their part, who will be ready forthwith to meet a Committee on the part of the Legislative Assembly for the purpose of waiting upon the Governor General, to know when His Excellency would be pleased to receive the said Address, and to present the same.

"Resolved, That a Committee of four Members be appointed, on the part of this House to accompany the Committee of the Legislative Council with the said Address.

"9th November, 1843.

"A Message from the Legislative Council:--

"Ordered, That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House, that His Excellency the Governor General has appointed to-morrow, at two o'clock, at the Government House, to be attended with the Addresses of both Houses, and that the Legislative Council do intend to be there at that time."

No order made by the Assembly thereupon; but on the following day Mr. Speaker reported that "both Houses" had waited on His Excellency with the said Addresses.

"3rd March, 1845.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that His Excellency the Governor General has appointed to-morrow, at half-past three o'clock, P.M., at the Government House, in this City, to be attended with the Addresses of both Houses of Parliament on the subject of the French language, and that the Legislative Council do intend to be there at that time."

No order by the Assembly thereupon; but on the following day Mr. Speaker reported that both "Houses had attended His Excellency" with the said Addresses.

"27th March, 1845.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that His Excellency the Governor General has appointed to-morrow, at three o'clock, P.M., at the Government House, to be attended with the Petitions of both Houses to Her Majesty and the two Houses of the Imperial Parliament, relating to the repeal of that provision of the 31st clause of the Imperial Act 3 and 4 Will. IV, cap. 59, which authorizes the importation of certain goods in Foreign vessels on the inland waters to the extension of the Registry Laws of the United Kingdom to British vessels employed on the said waters; and to the right of persons naturalized by Provincial Acts to the privileges of British subjects in matters connected with Trade and Navigation; and that the Legislative Council do intend to be there at that time."

"28th March, 1845.

"Mr. Speaker reported that both Houses had waited upon His Excellency the Governor General with the said Addresses.

"29th March, 1845.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly to acquaint that House, that His Excellency the Governor General has appointed to-morrow, at two o'clock, P.M., to be attended with the Addresses of both Houses on the subject of the capture and detention, on the part of the United States Government, of the Schooner "Lord Nelson," in the year 1812; and that in consequence of the advanced state of the Session, the Legislative Council have ordered that such Members of this House as are Members of the Executive Council only, do attend His Excellency at that time on the part of this House."

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do attend His Excellency the Governor General on the part of this House "with the Addresses of both Houses" on the above subject."

"22nd April, 1846.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that His Excellency the Administrator of the Government has appointed to-morrow, at one o'clock, P.M., to be attended with the Address of both Houses on the subject of the annexation of the Magdalen Islands to the Province of Prince Edward Island; and that the Legislative Council have ordered that such Members as are of the Executive Council do attend His Excellency at that time on the part of this House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do attend His Excellency the Administrator of the Government, on the part of this House, to-morrow, at one o'clock, P.M., "with the Addresses of both Houses" on the above subject.

"1st June, 1846.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that His Excellency the Governor General has appointed to-morrow, at twelve o'clock, (noon,) to be attended with the Addresses of both Houses on the subject of the Boundary between this Province and the Province of New Brunswick; and that in consequence of the advanced state of the Session, the Legislative Council have ordered that such Members of this House as are Members of the Executive Council only, do attend His Excellency at that time on the part of this House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do attend His Excellency the Governor General on the part of this House with the said Addresses.

"8th June, 1846.

"A Message from the Legislative Council:--

"Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that His Excellency the Governor General has appointed this day at three o'clock, P.M., to be attended with the

(100)

Addresses of both Houses on the subject of the transmission of the Mails to and from Great Britain, and also praying for a reduction of the Rates of Postage; and that in consequence of the advanced state of the Session, the Legislative Council have ordered that such Members of the Executive Council only, do attend His Excellency at that time on the part of this House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do attend His Excellency the Governor General with the said Addresses.

"6th July, 1847.

"A Message from the Legislative Council:--

"The Legislative Council acquaint this House, that His Excellency the Governor General has appointed to-morrow, at half-past three o'clock in the afternoon, to be attended with the Addresses of both Houses on the subject of the Civil List; and that the Legislative Council have ordered that such Members as are of the Executive Council do attend His Excellency at that time on the part of their House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do attend His Excellency the Governor General with the said Addresses.

"23rd July, 1847.

"A Message from the Legislative Council:--

"The Legislative Council acquaint this House, that His Excellency the Governor General has appointed Monday next, at one o'clock in the afternoon, to be attended with the Joint Addresses of both Houses on the subject of the Navigation Laws, in so far as they relate to or affect this Colony; and that the Legislative Council have ordered that such Members as are of the Executive Council do attend His Excellency at that time on the part of their House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province do attend His Excellency the Governor General with the said Addresses.

"30th January, 1849.

"A Message from the Legislative Council:--

"The Legislative Council acquaint this House, that His Excellency the Governor General has appointed to-morrow, at one o'clock in the afternoon, to be attended with the Addresses of both Houses on the subject of the Navigation Laws; and that the Legislative Council have ordered that such Members of the Executive Council who are Members of their House, do attend His Excellency at that time on the part of their House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do attend His Excellency the Governor General with the said Addresses.

"14th May, 1849.

"A Message from the Legislative Council:--

"The Legislative Council acquaint this House, that His Excellency the Governor General has appointed to-morrow, at two o'clock in the afternoon, to be attended with the Address of both Houses, on the subject of the Bill passed during the present Session, intituled, "An Act to raise an income of One hundred thousand pounds out of the Public Lands of Canada, for Common School Education;" and that their Honors have ordered that such Members of the Executive Council who are Members of their House, do wait upon His Excellency at that time, on the part of their House.

"Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do attend His Excellency the Governor General with the said Address."

St. Lawrence
and Lake
Champlain
Railroad Com-
pany Branch
Road Bill.

The Order of the day for the second reading of the Bill to empower the Saint Lawrence and Lake Champlain Railroad Company to make a Branch Road to the Province Line east of the River Richelieu, and to construct a Bridge over the said River, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and

Telegraph Lines.

Andrews' Road
Vesting Bill.

The Order of the day for the second reading of the Bill to vest a certain Road allowance in the Township of Hope, in the County of Durham, in James M. Andrews

and others, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Kingston and
Toronto Junc-
tion Railroad
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Kingston and Toronto Junction Railroad Company, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating
to property
sold under
Execution.

The Order of the day for the second reading of the Bill to prevent the unnecessary sacrifice of property sold under execution in Upper Canada, being read;⁵⁷

MR. J. SMITH (Durham) moved the second reading of the bill to prevent the sacrifice of the property at sheriff's sale. The bill provided that at sheriff's sales, the goods should be valued by appraisers, and on the first day of sale should not be sold for less than three-fourths of the appraisement. In case they were not sold, the sale should not be sold for less than three-fourths to the plaintiff or party entitled to the money. It also provided for ... giving notice of the day of sale to the plaintiff. Next, the sheriff or bailiff was to be compelled to make a return to the Court of the whole amount of money received for the sale, with a statement showing how it was disposed of so as to check too high charges. Another clause permitted the defendant to point out what part of the property he would prefer to have sold, if it would realize the amount, and if the wishes could not be complied with, in consequence of there being no purchaser, allowed the sheriff to sell as he should think best.⁵⁸ The object being to prevent the needless sale of whole farms, and, where possible, to secure a defendant against hardship at the hands of sheriffs or creditors.⁵⁹

MR. SOL. GEN. MACDONALD desired the bill to be referred to a Select Committee. He thought it impossible for the sheriff to obtain three-fourths of the value for which property would be valued by neighbours. He had no objection to the making the bailiffs give a detailed account; nor did he object to allowing the property to be sold in separate lots, which he thought could be done now.⁶⁰

MR. SOL. GEN. DRUMMOND objected to some of the clauses of the Bill, which should be referred to a Select Committee, that the whole might undergo careful revision. No legal doubt at present existed as to the right of Sheriffs to offer for sale land in separate quantities; and, therefore, the clause proposed on this point should be struck out.⁶¹

MR. J. CAMERON also objected to the bill. There was no doubt about the right of the bailiff to sell portions of the lands, and⁶² [he] referred to cases to show that a Sheriff had now no right to sell a large quantity of land, where the sale of a small part would be sufficient to discharge the debt. He was against the second reading of the Bill, because it affirmed a doubt on this question, when in fact no doubt existed.⁶³ The law was formally laid down in *Doe v. Tiffany and Miller*.⁶⁴ With regard to Sheriffs generally, the accusation had always been that they were too lenient to debtors, instead of too stringent.⁶⁵ As to the appraisement, there was nothing in the bill to make people act as appraisers, and according to the present mode of returns, the process to be followed after this appraisement might be made to occupy nine months.⁶⁶

MR. J. SMITH (of Durham) could see no harm in defining the Sheriff's right to sell in small quantities, while good might result from it. He thought that some protection should be afforded to debtors who were unfortunate enough to fall into the hands of Sheriffs and lawyers. This would be done by allowing debtors to say something as to the manner in which their property should be sold, while no injury would result to the creditor therefrom. Rather than risk the throwing out of the Bill, however, he (Mr. S.) would adopt the Solicitor General's suggestion, and refer it to a select committee, although aware that such a course was very often tantamount to consigning a measure to the tomb of the Capulets.⁶⁷

[There was] further conversation, in which MR. LYON took part⁶⁸.

(100)

The Bill was accordingly read a second time.

Mr. Smith of Durham moved, seconded by Mr. Smith of Wentworth, and the Question being proposed, That the Bill be referred to a Select Committee, composed of Mr. Solicitor General Macdonald, Mr. Smith of Wentworth, Mr. Richards, Mr. Wilson, and the mover, to report thereon with all convenient speed; with power to send for persons, papers, and records;

Mr. Lyon moved in amendment to the Question, seconded by Mr. Dickson, That the names of the Honorable Mr. Cameron of Cornwall and the Honorable Mr. Sherwood be added to the said Committee;

And the Question being put on the Amendment; the House divided:

Yeas, 12.

Nays, 15.

So it passed in the Negative.

Then the main Question being put;--It was resolved in the Affirmative.

Ordered, That it be an Instruction to the Committee to leave out the Preamble to the sixth Clause of the said Bill.

Sydenham
Mountain
Road Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected, being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating
to Trial by
Jury, (U.C.).

The Order of the day for the second reading of the Bill to dispense with Trial by Jury in certain cases in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

Magistrates
Protection
Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the Laws affording protection to Magistrates and others in the performance of public duties, being read;⁶⁹

In the absence of Mr. Morrison, MR. J. CAMERON moved the second reading of the bill to amend the law relative to the Protection of Magistrates.⁷⁰ He explained that the bill was not to exempt magistrates for paying for any losses they occasioned to others, but only to save them from damages by way of punishment in all cases where they acted bona fide,⁷¹ even though contrary to the provisions of the law; the bona fide character of their conduct being a question for a jury to determine⁷²; and also to compel plaintiffs in actions against magistrates to give them such notice as would permit of their paying money into Court, or making other compensations to avoid expense.⁷³

(101)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until Friday next.

Then, on motion of Mr. Lyon, seconded by Mr. Scott of Two Mountains, The House adjourned.

APPENDIX: 18 JUNE 1851.

[NOTICE OF MOTION RE: LAWS OF LOWER CANADA.]⁷⁴

MR. AT. GEN. LAFONTAINE gave notice of a motion for the House to go into Committee revising and consolidating the laws of Lower Canada. He spoke very inaudibly, and the particulars of the notice could not be caught by the Reporter.⁷⁵

[NOTICE OF MOTION RE: JURY LAWS.]⁷⁶

MR. BADGLEY gave notice of a bill to amend the Jury Law of Lower Canada.⁷⁷

[QUESTION AND ANSWER RE: APPROPRIATION OF MONEY.]⁷⁸

MR. SANBORN enquired of Ministers, whether they intended to recommend any new appropriations of money for the construction of roads and bridges in Lower Canada, or for Academies or High Schools in that section of the Province.⁷⁹

MR. INSP. GEN. HINCKS replied that the estimates would be laid before the House in a few days, when hon. gentlemen would have an opportunity of satisfying themselves on points of this nature. It was a most inconvenient practice for members to interrogate the Government on such matters before the estimates were introduced.⁸⁰

MR. H. SHERWOOD said it was the practice in England.⁸¹

MR. SANBORN put the question because there appeared to be a determination on the part of Government not to make appropriations for merely local purposes.⁸²

An hon. member.--That was the understanding.⁸³

[QUESTION AND ANSWER RE: REBELLION LOSSES.]⁸⁴

MR. DEWITT inquired when the final report of the Commissioners appointed to ascertain the losses in Lower Canada during the years 1837 and 1838, would be laid before the House?⁸⁵

MR. INSP. GEN. HINCKS replied that it was impossible to form any conception when the final report of the Commissioners would be obtained. The Executive Government had been repeatedly urging on the Commissioners the necessity of expediting their labours, and he had every reason to believe that they were using every exertion. They said so, at any rate.⁸⁶

[QUESTION AND ANSWER RE: PUBLIC OFFICERS.]⁸⁷

MR. ROSS [asked a question.]⁸⁸

MR. INSP. GEN. HINCKS said the Government did not intend to submit any measure to Parliament during the present session, for indemnifying public officers, whose salaries had been reduced by Legislative enactment.⁸⁹

FOOTNOTES: 18 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
2. GLOBE, 19 June 1851.
3. IBID.
4. IBID.
5. This speech was reported by BRITISH COLONIST, 20 June 1851. Commentaries appeared in: BRITISH COLONIST, 20 June 1851; and MONTREAL GAZETTE, 23 June 1851.
6. BRITISH COLONIST, 20 June 1851.
7. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by BRITISH COLONIST, 20 June 1851. NORTH AMERICAN, 20 June 1851, noted the debate.
8. BRITISH COLONIST, 20 June 1851.
9. IBID.
10. IBID.
11. IBID.
12. GLOBE, 19 June 1851.
13. BRITISH COLONIST, 20 June 1851.
14. GLOBE, 19 June 1851.
15. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
16. NORTH AMERICAN, 20 June 1851.
17. IBID.
18. BRITISH COLONIST, 20 June 1851.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. GLOBE, 19 June 1851.
24. NORTH AMERICAN, 20 June 1851.
25. BRITISH COLONIST, 20 June 1851.
26. GLOBE, 19 June 1851.
27. NORTH AMERICAN, 20 June 1851.
28. BRITISH COLONIST, 20 June 1851.
29. GLOBE, 19 June 1851.
30. BRITISH COLONIST, 20 June 1851.
31. GLOBE, 19 June 1851.
32. BRITISH COLONIST, 20 June 1851.
33. GLOBE, 19 June 1851.
34. IBID.
35. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; BRITISH COLONIST, 20 June 1851.
36. BRITISH COLONIST, 20 June 1851.
37. GLOBE, 19 June 1851.
38. IBID.
39. BRITISH COLONIST, 20 June 1851.

40. GLOBE, 19 June 1851.
41. BRITISH COLONIST, 20 June 1851.
42. NORTH AMERICAN, 20 June 1851.
43. BRITISH COLONIST, 20 June 1851.
44. GLOBE, 19 June 1851.
45. NORTH AMERICAN, 20 June 1851.
46. BRITISH COLONIST, 20 June 1851.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. GLOBE, 19 June 1851.
53. NORTH AMERICAN, 20 June 1851.
54. GLOBE, 19 June 1851.
55. IBID.
56. IBID.
57. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.
58. BRITISH COLONIST, 20 June 1851.
59. GLOBE, 19 June 1851.
60. BRITISH COLONIST, 20 June 1851.
61. GLOBE, 19 June 1851.
62. BRITISH COLONIST, 20 June 1851.
63. GLOBE, 19 June 1851.
64. BRITISH COLONIST, 20 June 1851.
65. GLOBE, 19 June 1851.
66. BRITISH COLONIST, 20 June 1851.
67. GLOBE, 19 June 1851.
68. BRITISH COLONIST, 20 June 1851.
69. The following papers reported this speech in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by BRITISH COLONIST, 20 June 1851.
70. GLOBE, 19 June 1851.
71. BRITISH COLONIST, 20 June 1851.
72. GLOBE, 19 June 1851.
73. BRITISH COLONIST, 20 June 1851.
74. The following papers reported this notice in identical accounts: BRITISH WHIG, 19 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, MONTREAL GAZETTE, 19 June 1851, PILOT, 19 June 1851, MORNING CHRONICLE, 20 June 1851; GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; BRITISH COLONIST, 20 June 1851; and JOURNAL DE QUEBEC, 21 June 1851.
75. BRITISH COLONIST, 20 June 1851.
76. The following papers reported this notice in identical accounts: BRITISH WHIG, 19 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, MONTREAL GAZETTE, 19 June 1851, PILOT, 19 June 1851, MORNING CHRONICLE, 20 June 1851; GLOBE, 19 June 1851, BRITISH COLONIST, 20 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The debate was also reported by: NORTH AMERICAN, 20 June 1851; and JOURNAL DE QUEBEC, 21 June 1851.
77. BRITISH COLONIST, 20 June 1851.
78. The following papers reported this question in identical accounts: BRITISH WHIG, 19 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, MONTREAL GAZETTE, 19 June 1851, PILOT, 19 June 1851, and MORNING CHRONICLE, 20 June 1851. The

following papers reported the question in partially identical accounts: GLOBE 19 June 1851, BRITISH COLONIST, 20 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The question was also reported by NORTH AMERICAN, 20 June 1851.

79. GLOBE, 19 June 1851.

80. IBID.

81. IBID.

82. IBID.

83. IBID.

84. The following papers reported this question in identical accounts: BRITISH WHIG, 19 June 1851, MONTREAL TRANSCRIPT, 19 June 1851, MONTREAL GAZETTE, 19 June 1851, PILOT, 19 June 1851, MORNING CHRONICLE, 20 June 1851; GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The question was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20, 24 June 1851.

85. GLOBE, 19 June 1851.

86. IBID.

87. The following papers reported this question in identical accounts: GLOBE, 19 June 1851, PILOT, 24 June 1851, and OTTAWA CITIZEN, 28 June 1851. The question was also reported by: NORTH AMERICAN, 20 June 1851; and BRITISH COLONIST, 20 June 1851.

88. GLOBE, 19 June 1851.

89. IBID.

FRIDAY, 20 JUNE 1851.

(101)

Bank of
British North
America.

MR. Speaker laid before the House, a Statement of the Affairs of the Canadian Branches of the Bank of British North America, on the 2nd June, 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of the Municipality of the village of Huntingdon; and the Petition of Joseph T. Dutton, Principal of the Montreal Day, Board and Evening Academy.

By Mr. Jobin,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal, and others, Roman Catholics of Montreal.

By the Honorable Mr. Badgley,--The Petition of the Medical Faculty of McGill College; and the Petition of P.P. Russell and others, Members of the Mutual Fire Insurance Companies of Missisquoi and Rouville.

By Mr. Duchesnay,--The Petition of the Municipal Council of the County of Portneuf.

By the Honorable Mr. Chabot,--The Petition of the Reverend Louis Proulx, Curé, and others, Church Wardens, of the Parish of Notre Dame de Québec.

By Mr. Fergusson,--The Petition of the Municipal Council of the County of Waterloo.

By the Honorable Mr. Sherwood,--Two Petitions of the Council of the Toronto Board of Trade.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the County of St. Hyacinthe; of P.C. Phaneuf and others, Censitaires, of the Parish of St. Damase, County of St. Hyacinthe; and of L.M. Masson and others, Censitaires and Tenants, of the Parish of St. Michel de Vaudreuil, County of Vaudreuil; praying the adoption of measures for defining the rights of Seigniors, and to abolish the Seigniorial Tenure in Lower Canada.

Of the Municipal Council of the second division of the County of Beauharnois; praying that the said County may be divided into two Circuits with a Court at the village of Huntingdon.

Of Stephen H. Schuyler and Thomas Crawford, of the village of Huntingdon, County of Beauharnois; praying the adoption of measures for enabling them to obtain payment of an amount due them for the erection of a Bridge across the River Chateauguay, according to the terms of a contract made under the authority of the late District Council of the Municipal District of Beauharnois.

Of S.W. Gillett, of the Town of Constable, in the State of New York; praying the adoption of measures for enabling him to obtain payment of an amount due him for the construction of a Bridge at Dewittville, across the South-East Channel of the River Chateauguay, and also Roads leading thereto, according to the terms of a contract made under the authority of the late Municipal Council of the Municipal District of Beauharnois.

Of Peter M. Laurin, Esquire, and others, of the Township of Caledonia; praying the passing of an Act to confirm the Survey of the said Township, according to the Act 59 Geo. 3, cap. 14.

Of P.T. Dupont and others, of the Parish of St. Roch des Aulnets, County of L'Islet; praying aid to enable them to complete a Wharf near the Church of the said Parish.

Of the President, Vice-President, and Directors of the Quebec Building Society; praying certain amendments to the Act to encourage the establishment of Building

Societies in Lower Canada.

Of Francis Nichol and others, of the Township of Westminster; praying that no division be made of the County of Middlesex, but that in case such division shall be made, it may be by a line running north and south.

Of Moses Loin and others, colored inhabitants of the Town of London; praying the adoption of measures for prohibiting the performances of persons styling themselves "Ethiopean Minstrels," or such caricatures of their class.

Of Joseph Lefebvre de Bellefeuille, Esquire, and others, of St. Eustache; praying aid to improve the Road from the Township of Wentworth to the Rivière à Gagnon.

Of M. Couture, Esquire, and others, of the Parish of Ste. Croix, County of Lotbinière; praying aid to complete the centre Road of the Seigniorship of Ste. Croix.

Of Charles Benoit and others, of Lower Canada; praying the passing of an Act granting them compensation for their services during the late War with the United States.

Of the Lower Canada Agricultural Society; praying for aid in behalf thereof.

Of Municipality Number One of the County of Rimouski; praying aid to open a Road through the Crown Lands in rear of the Parish of L'Isle Verte, terminating at Lake Temiscouata.

Of George Benjamin, Esquire, Grand Master of the Loyal Orange Association of British North America; praying the passing of an Act to repeal the Act for restraining party processions in certain cases.

Of Sister Dupuis, Superior of the Hôtel-Dieu Nunnery Hospital of Kingston; praying aid in behalf of the said Hospital.

Of the University of Queen's College at Kingston; praying that a grant be made to the Grammar School established in connection with the said University, called "Queen's College School," similar to that made to the High Schools of Montreal and Quebec.

Of the University of Queen's College at Kingston; praying a grant for the endowment of the said University.

Of the Bar of Lower Canada, Section of the District of Montreal; praying the repeal of the enactment conferring power upon the Judges of the Superior Court to establish, alter and amend the Tariffs, and that the said power be conferred upon the Bar of Lower Canada.

Of the Montreal Firemens' Benevolent Association; praying for certain amendments to their Act of Incorporation.

Of the Mayor, Aldermen, and Citizens of the City of Montreal; praying the passing of an Act to amend and consolidate the Acts incorporating the said City.

Of the Reverend H.J. Grasett, A.M., Chairman, on behalf of the Committee of Direction of the Toronto General Dispensary and Lying-in Hospital, and of Mrs. Augusta Draper, Secretary to the Ladies Committee thereof; praying aid in behalf

(102)

of the said Institution.

Of Mrs. Mary G. Sherwood and other Ladies of the City of Toronto; praying the passing of an Act of Incorporation, under the style of "The Orphans' Home and Female Aid Society, Toronto."

Of Joseph D. Ridout and others, of the City of Toronto; praying for the passing of an Act of Incorporation, under the style of "The Toronto and Lake Simcoe Hydraulic Company."

Of the Municipality of the Township of Southwold; of the Municipality of the Township of Malahide; of the Municipality of the Township of Yarmouth; and of the Municipality of the Township of Dunwich; praying that the County of Middlesex may be divided by an east and west line as proposed by the Bill to alter the Territorial Divisions of Upper Canada.

Of Théophile Roy and others; praying for an Act of Incorporation, under the name of "The Athanase and Mount Johnson Planked and Macadamized Road Company."

Of W. McCay and others, of the Township of Nelson; praying that no division be made of the County of Halton, and that the said County remain united to the County of Wentworth.

Of Thomas Graham and others, of the Township of the Gore of Toronto; praying that should a division of the County of York be deemed necessary, the ten Eastern Townships thereof may be set apart as a new County, leaving the remainder to form the County of York.

Of Ichabod Smith and others, Trustees of the Stanstead Academy; praying the usual aid in support thereof.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying for an amendment to the Assessment Law.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying the amendment of the Act 13 & 14 Vic. cap. 65, so as to place the issuing and receipts of Tavern Licenses under the control of the several Municipal Corporations.

Of the Reverend F. Perreault and others, School Commissioners, and others, of the new Parish of Ste. Brigide de Monnoir; praying additional aid for the support of the Schools in the said Parish.

Of Elizabeth R. Thomas and Harriet Inson, on behalf of the Ladies' Benevolent Society of the City of Hamilton; praying aid in behalf thereof.

Of Thomas Jackson and others, of the Township of Romney, County of Kent; praying the passing of an Act to constitute the said Township a distinct Municipality, notwithstanding its present disqualification.

Of Martin McLeod, Paymaster, on half-pay of the 25th Regiment; praying a consideration of his claim for Land as a retired Military Officer.

Of James Miller and others, of the Town of Niagara; praying an Act of Incorporation to enable them to construct a Canal for hydraulic purposes, from the Welland Canal to the mouth of the River Niagara, at the Town of Niagara.

Of the Council of the Toronto Board of Trade; praying the adoption of such measures as may best tend to the protection of the Trade of Canada.

Of Messrs. Whittemore, Rutherford and Company, and others, Merchants, Traders and others, of the City of Toronto; praying the passing of an Act to explain or amend the Division Courts Act, so as to authorize the suing of a party in the County where the debt has been contracted by the Defendant in such suit.

Of Michael Brennan and others, Roman Catholics, of the Town of Belleville; praying for the amendment of the nineteenth Section of the Common School Act, so as to provide more effectually for separate Schools in certain cases.

Of J. Counter, Esquire, and others, Office-bearers and Members of the Committee of the Mechanics' Association of the City of Kingston; praying the adoption of measures to relieve them from the grievances arising out of the present system of Convict labor in the Provincial Penitentiary.

Of the Reverend William Macalister and others, of Port Sarnia; praying the adoption of measures for abolishing all labor on the Lord's day in the Postal Department of the Public Service.

Of the Municipality of the Township of Burgess; praying for the passing of an Act to promote the construction of a Northern Main Branch Railway by the line of the Ottawa River, connecting the Cities of Montreal and Kingston.

Library.

Ordered, That the Petition of W.C. Keele, of the City of Toronto, Esquire, Attorney at Law, be referred to the Select Committee appointed to assist Mr. Speaker in the direction of the Parliamentary Library.

Petition to
be printed.

Ordered, That the Petition of George Benjamin, Esquire,
Grand Master of the Loyal Orange Association of
British North America, be printed for the use of

the Members of this House.

Eastern
Townships.

Ordered, That so much of the Petitions of B. Lasalle and
others, of the Town of Three Rivers; of U. Belliveau,
Esquire, and others, of the Townships of Arthabaska,

Chester and Warwick; and of the Reverend E. Chabot and others, of the Parishes
of Bécancour, Ste. Gertrude and other places in the District of Three Rivers,
relative to the colonization of the Eastern Townships, and designating where a
Road between the said Townships and the Seigniories on the River St. Lawrence,
in the County of Nicolet, should be opened, be referred to the Select Committee
appointed to enquire into the causes which prevent or retard the settlement
of the Eastern Townships in the Districts of Three Rivers, St. Francis and
Quebec.

Petitions
referred.

Ordered, That the Petition of Joseph D. Ridout and others,
of the City of Toronto; the Petition of Mrs. Mary
G. Sherwood and other Ladies, of the City of Tor-

onto; and the Petition of the President, Vice-President, and Directors of the
Quebec Building Society, be referred to the Standing Committee on Standing
Orders.

Bill relating to
Meetings of
Relations and
Friends.

Mr. Lacoste reported from the Select Committee on
the Bill to allow Notaries to call meetings of relations
and friends in certain cases without being thereto
specially authorized by a Judge, and for other pur-
poses, That the Committee had gone through the Bill,

and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole
House, for Monday next.

On motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Sher-
wood,

Presentation
of Joint
Addresses.

Resolved, That this House doth concur in the Report of
the Select Committee to which were referred the
Reasons of the Legislative Council delivered at the
Conferences held on the 12th of June instant, by the

Managers on the part of their Honors to the Managers appointed by this House,
relative to the Message of the Legislative Council of the fourth instant, re-
specting the Joint Address of both Houses on the subject of Duties on Foreign
Timber,--and also, the Reasons communicated from this House to the Legislative

(103)

Council at the former Conference on the same subject, with an Instruction to
search for precedents, and to report also their opinions.

Resolved, That a Conference be desired with the Honorable the Legislative Coun-
cil for the purpose of communicating to their Honors a Copy of the said
Report.

Ordered, That the Honorable Mr. Boulton do go to the Legislative Council, and
desire the said Conference.

Seventh Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Com-
mittee on Standing Orders, presented to the House the
Seventh Report of the said Committee; which was read,
as followeth:--

*Your Committee have examined the Petition of the Reverend H.J. Grasett and others, for an Act of incorporation for the House of Industry of Toronto, and are of opinion that it does not require the publication of notice.*¹

COL. PRINCE moved that the orders of the day fixed for yesterday, be revived, and stand as orders of the day for Monday next.² He did so, because he intended to move immediately after that motion would be carried, that the House do adjourn, as on this day fifteen years ago, Her Majesty³ entered on her auspicious reign, and he thought that the House should have a holiday on the occasion, as a mark of respect to the Crown and to the Crown's representative in the Province. Under these circumstances, and particularly considering that both her Majesty's representatives were about to giving [sic] some sort of an entertainment in honor of the day, he thought that the members of the House should enjoy themselves as much as possible.⁴ He believed that both their Excellencies the Representatives of Her Majesty, intended to give an entertainment this evening; and he did not think that it would be more than paying proper respect to them for the House to adjourn.⁵

MR. J. CAMERON said, it would be better to sit two hours longer.⁶

COL. PRINCE.--If they got into debates on the orders of the day, it was impossible to tell at what time they would end. If they meant to do anything in the matter, let it be done well.⁷

MR. J. CAMERON.--The House had a holiday yesterday, which was a holiday by law. If the present motion were carried, two days would pass over without work. If such be the case, he thought that members should give up their pay for yesterday.⁸ He did not think it proper that they should be paid without doing anything.⁹

COL. PRINCE was quite willing to do that.¹⁰

MR. J. CAMERON still persisted in his suggestion, and named 7 o'clock as the hour to adjourn.¹¹

COL. PRINCE postponed his motion.¹²

(103)

Orders revived.

Ordered, That the Orders of the day which were fixed for yesterday, and lost by the adjournment of the House of Wednesday last, be revived; and that they stand as Orders of the day for Monday next.

Fort Erie and
Buffalo
Suspension
Bridge Bill.

Ordered, That Mr. McFarland have leave to bring in a Bill to incorporate the Fort Erie and Buffalo Suspension Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Caledonia
Road Allow-
ances Bill.

Ordered, That Mr. Johnson have leave to bring in a Bill to define certain Road allowances in the Township of Caledonia.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Tavern
Regulation
Bill.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to provide for the regulation of Taverns and other places of Public Entertainment, and

for the more effectual suppression of Intemperance.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Quebec Incorporation Bill.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill further to amend the Ordinances incorporating the City of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Orders deferred.

Ordered, That the Orders of the day be postponed until Monday next.

Then, on motion of Mr. Prince, seconded by Mr. Hopkins,
The House adjourned until Monday next.

APPENDIX: 20 JUNE 1851.

[NOTICE OF MOTION RE: MONTREAL CORPORATION ACT.]¹³

MR. CARTIER gave notice that he would introduce a Bill to amend the Montreal Corporation Act.¹⁴

[NOTICE OF MOTION RE: MONTREAL FIREMEN.]¹⁵

MR. CARTIER gave notice that he would introduce a Bill to incorporate the Montreal Firemen.¹⁶

[NOTICE OF MOTION RE: ORPHAN'S HOUSE AND FEMALE AID SOCIETY.]¹⁷

MR. H. SHERWOOD gave notice that he would introduce a Bill to incorporate the Orphan's House and Female Aid Society of this city.¹⁸

[NOTICE OF MOTION RE: AMENDMENT TO CLERGY RESERVES RESOLUTIONS.]¹⁹

MR. H. SHERWOOD gave notice of ... an amendment to Mr. Price's motion on the subject of the Clergy Reserves, in the form of an address to Her Majesty, thanking Her Majesty for her gracious reception of the address of last session, and expressing the highest obligation to the Imperial government for having evinced their desire to promote the welfare of the Province, by expressing regret that the Reserves should again be brought under discussion, and giving it as their opinion that it is desirable that the existing arrangement should remain undisturbed.²⁰

FOOTNOTES: 20 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: GLOBE, 21 June 1851, PILOT, 26 June 1851; MONTREAL GAZETTE, 21 June 1851, MORNING CHRONICLE, 21 June 1851, BRITISH WHIG, 21 June 1851, MONTREAL TRANSCRIPT, 21 June 1851, PILOT, 21 June 1851, BATHURST COURIER, 24 June 1851, OTTAWA CITIZEN, 28 June 1851, and LA MINERVE, 23 June 1851. The debate was also reported by BRITISH COLONIST, 24 June 1851.
2. GLOBE, 21 June 1851.
3. BRITISH COLONIST, 24 June 1851.
4. GLOBE, 21 June 1851.
5. BRITISH COLONIST, 24 June 1851.
6. GLOBE, 21 June 1851.
7. IBID.
8. IBID.
9. MONTREAL GAZETTE, 21 June 1851.
10. GLOBE, 21 June 1851.
11. MONTREAL GAZETTE, 21 June 1851.
12. GLOBE, 21 June 1851.
13. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 21 June 1851, MORNING CHRONICLE, 21 June 1851, BRITISH WHIG, 21 June 1851, MONTREAL TRANSCRIPT, 21 June 1851, PILOT, 21 June 1851, OTTAWA CITIZEN, 28 June 1851, and LA MINERVE, 23 June 1851.
14. MONTREAL GAZETTE, 21 June 1851.
15. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 21 June 1851, MORNING CHRONICLE, 21 June 1851, BRITISH WHIG, 21 June 1851, MONTREAL TRANSCRIPT, 21 June 1851, PILOT, 21 June 1851, OTTAWA CITIZEN, 28 June 1851, and LA MINERVE, 23 June 1851.
16. MONTREAL GAZETTE, 21 June 1851.
17. The following papers reported this notice in identical accounts: GLOBE, 21 June 1851, BRITISH COLONIST, 24 June 1851, and PILOT, 26 June 1851.
18. BRITISH COLONIST, 24 June 1851.
19. The following papers reported this notice in identical accounts: GLOBE, 21 June 1851, PILOT, 26 June 1851; MONTREAL GAZETTE, 21 June 1851, MORNING CHRONICLE, 21 June 1851, BRITISH WHIG, 21 June 1851, MONTREAL TRANSCRIPT, 21 June 1851, PILOT, 21 June 1851, BATHURST COURIER, 24 June 1851, OTTAWA CITIZEN, 28 June 1851, and LA MINERVE, 23 June 1851. The notice was also reported by BRITISH COLONIST, 24 June 1851.
20. GLOBE, 21 June 1851.

MONDAY, 23 JUNE 1851.

(103)

Gore Bank.

MR. Speaker laid before the House, a Statement of the Affairs of the Gore Bank, on the 16th June 1851.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of John Fitzpatrick and others, of the Parishes of St. George de Henryville and St. Grégoire, County of Rouville.

By Mr. Gugy,--The Petition of J.O. Arcand and others, of the northern part of the County of Sherbrooke; and the Petition of E. Finley and others, officers and members of the Grand Tent of the Canada East Tribe of Rechabites.

By Mr. Mackenzie,--The Petition of John Neilson and others, of the Townships of Walpole and Rainham; and the Petition of Eli Gorham and others, of the Townships of King and Whitchurch, County of York.

By Mr. McFarland,--The Petition of James W. Fell and others, of the Village of Chippawa; and the Petition of the Municipality of the Township of Willoughby.

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the County of Simcoe; the Petition of the Reverend Robert Harding and others, of the Townships of Ops and Emily, County of Peterborough; the Petition of Henry Sillington and others, of the Township of Adelaide, County of Middlesex; and the Petition of John W. Branan and others, of the Village of Metcalfe, County of Peterborough.

By the Honorable Mr. Sherwood,--The Petition of the Municipal Council of the County of York.

By Mr. Boulton of Toronto,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Toronto; the Petition of M. Jackson and others, of Westminster, Yarmouth and Southwold, County of Middlesex; the Petition of the Reverend J.W. Boomer and others, of Galt, County of Halton; and the Petition of the Reverend George Hallen and others, of Penetanguishene, in the County of Simcoe.

By Mr. Richards,--The Petition of William Smart and others, of the Town of Yonge and Elizabethtown.

By Mr. Notman,--The Petition of the Municipal Council of the County of Middlesex.

By Mr. Christie,--The Petition of Robert Busteed, Chairman, on behalf of a public meeting of the Inhabitants of the western portion of the County of Bonaventure.

By Mr. Hopkins,--The Petition of the Municipality of the Township of Nelson.

By Mr. Stevenson,--The Petition of A. Farewell and others, of Upper Canada; the Petition of the Reverend Robert Blakey and others, of the Town of Prescott; the Petition of the Reverend Donald Fraser and others, of Norval and Esquesing, County of York; the Petition of William Carroll and others, of Whitby and other Townships in the County of York; and the Petition of the Reverend J. Gibson and others, of Georgina and other places in the North Riding of the County of York.

By Mr. Solicitor General Drummond,--The Petition of the Municipal Council of the County of Shefford; and the Petition of S.S. Foster, Esquire, M.D., and others, of the Townships and Seigniories in the Counties of Missisquoi and Shefford, and the Townships of Potton and Bolton, County of Stanstead.

By Mr. Morrison,--Two Petitions of the Municipal Council of the County of York;

(104)

and the Petition of W. Thompson, Reeve, and C.E. Romain, Deputy Reeve, of the Township of Toronto.

By the Honorable Mr. Cayley,--The Petition of J.W. Gamble and others, of the Township of Vaughan; the Petition of the Reverend H. Patton and others, of the Town of Cornwall, County of Stormont; the Petition of Henry Rowed and others, of the Township of Seymour, County of Northumberland; and the Petition of the Reverend Frederick Mack and others, of Amherstburg, Anderton and Malden, County of Essex.

By Mr. Malloch,--The Petition of the Reverend Ralph Leeming and others, of the Village of Dundas and its vicinity; the Petition of Andrew Pettit and others, of Grimsby and other places in the Counties of Lincoln and Wentworth; and the Petition of Thomas Paxton and others, of the Town of Amherstburg, and the Townships of Malden, Anderton and Colchester.

By Mr. McLean,--The Petition of Joseph Mulligan and others, of Tullamore, the Gore of Toronto, and other places; the Petition of John T. Lewis and others, of West Hawkesbury, L'Orignal, and other places, in the County of Prescott; and the Petition of the Reverend George Graham and others, of Nassagaweya, County of Halton.

By Mr. Dickson,--The Petition of Charles Stuart and others, of the Parish of St. Paul, Port Robinson, Counties of Welland and Lincoln; ¹

MR. MCFARLAND asked to have the names attached to it read, as he understood that many little children had been asked to sign. ²

(104)

and the Petition of Alexander Kirkpatrick and others, of the Village of Chippawa, and the Townships of Stamford and Willoughby, in the County of Welland.

By Sir Allan N. MacNab,--The Petition of Thomas Bayly and others, of the Village of Grafton and Township of Haldimand, in the County of Northumberland; the Petition of Andrew T. Kirby and others, of Beverly, Flamborough West, and Dundas, County of Halton; the Petition of Robert Stroud, Esquire, and others, of Norwich and Dereham, County of Oxford; the Petition of Sir Allan N. MacNab and others, of the City of Hamilton, and of the Township of Barton; and the Petition of Colin C. Ferrie, Esquire, President, on behalf of the Hamilton and Gore Mechanics' Institute. ³

In each instance, the number of signatures were small--ranging generally from seventy-five to a hundred. ⁴

(104)

By the Honorable Mr. Macdonald,--The Petition of the Reverend Charles Brown and others, of Norwich and Dereham, in the County of Oxford, and of Dorchester and Malahide, in the County of Middlesex; the Petition of the Reverend A.F. Atkinson and others, of the Town of St. Catharines and its vicinity; and the Petition of the Reverend Charles L. Ingles, B.A., and others of the Village of Drummondville, County of Welland.

By Mr. Seymour,--The Petition of the Reverend J.B. Worrell and others, of Smiths Falls, County of Leeds; the Petition of the Reverend G.A. Anderson and others, Mohawk Indians, of the Bay of Quinté, Members of the Church of England; and the Petition of the Reverend Francis Tremayne and others, of Leeds, Tilbury, and other Townships, in the County of Leeds.

By Mr. Crysler,--The Petition of Benjamin Warran and others, of the Village of Bellamy, County of Grenville; and the Petition of Henry Burritt, Esquire, and others, of the Village of Burritt's Rapids, and the Township of Marlborough, County of Carleton, and of the Township of Oxford, County of Grenville.

By Mr. Lyon,--The Petition of G.G. Dinning and others, of the Township of Cumberland.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipality of the village of Huntingdon;

praying that in any legislation relative to the Municipal Institutions of Lower Canada, the office of Grand Voyer may not be created, and that the County of Beauharnois may remain as at present under the existing Municipal Law.

Of Joseph T. Dutton, Principal of the Montreal Day, Board, and Evening Academy; praying for certain amendments to the Bill to amend the Common School Law of Lower Canada.

Of the Right Reverend the Roman Catholic Bishop of Montreal, and others, Roman Catholics of Montreal; praying that the Bill to prevent interments in buildings used for Public Worship may not pass into law, or otherwise that the Parish Church of Montreal may be exempted from its application.

Of the Medical Faculty of McGill College; praying the usual aid in behalf thereof.

Of P.P. Russell and others, Members of the Mutual Fire Insurance Companies of Missisquoi and Rouville; praying the passing of an Act to amend and extend the duration of the Act authorizing the establishment of Mutual Fire Insurance Companies.

Of the Municipal Council of the County of Portneuf; praying that the Lower Canada Road Bill may not pass into law,--that no greater power be given to the Grand Voyer than that to the Councils,--that Municipal Institutions be abolished,--that the authority conferred upon the Corporation of the City of Quebec to impose a tax upon Agricultural productions taken to the market thereof be repealed,--that the Act for the suppression of Intemperance be amended,--and that the right of admission to the practice of the Notarial Profession be extended to certain persons.

Of the Reverend Louis Proulx, Curé, and others, Church Wardens, of the Parish of Notre Dame de Québec; praying that the Bill to prohibit interments in buildings used for Public Worship may not pass into law.

Of the Municipal Council of the County of Waterloo; praying for an early settlement of the Clergy Reserve Question.

Of the Council of the Toronto Board of Trade; praying for the passing of the Bill to amend the Laws concerning the Interest of Money, with a certain amendment.

Of the Council of the Toronto Board of Trade; praying that the Division Court Act may be so amended as to provide that Debts may be sued for in the County where contracted, and Judgments enforced in the County where the Defendant's property may be found.

Of Manley Dixon, Reeve, and Edward Handy, Clerk, on behalf of a Township Meeting of the Inhabitants of Caradoc; praying that no division be made of the County of Middlesex, but that in case such division should be made, it may be by a line running north and south.

Presentation of Joint Addresses.

The Honorable Mr. Boulton reported, That he had carried to the Legislative Council the Message of this House desiring a Conference for the purpose of communicating to their Honors, a Copy of the Report of the Select Committee to which were referred the Reasons of the Legislative Council delivered at the Conference held on the 12th June instant, by the Managers on the part of this House, relative to the Message of the Legislative Council of the fourth instant, respecting the Joint Address of both Houses on the subject of Duties on Foreign Timber,--and also the Reasons communicated from this House to the Legislative Council at the former Conference, on the same subject, with an Instruction to search for precedents, and to report also their opinions to this House; and that their Honors gave for answer, that they would send an Answer by a Messenger of their own.

On⁵ the reading of the petition of William Murray, late of the firm of

Turner and Murray of Montreal, contractors on the Welland Canal, praying for the reimbursement of interest which the government had neglected to pay, and which the provincial arbitrators could not take cognizance of⁶, MR. MACKENZIE rose and stated that Messrs. Turner and Murray were contractors on the Welland Canal, who had not been paid, according to their account when they should have been paid when the work was done. They now came for redress before the House which was the only place where they could come for redress, inasmuch as part of the claim was for interest, which, by an act of the Provincial Parliament, could not be gone into by the Provincial arbitrators. They had petitioned and he now moved to refer their petition to a Committee⁷ that the petitioner might be indemnified for any losses that he had sustained.⁸

MR. INSP. GEN. HINCKS opposed the motion, on the ground that if acceded to, it would form a precedent by which the government would be bound in every instance to pay interest on all these claims, past and present. No contract was entered into with the petitioner that interest should be paid. He was not paid the principal for eight or nine months, simply because at the time⁹ the money became due the government had no money to pay the contractors¹⁰. As this was a petition for compensation no action could be taken on it unless recommended by the Crown. It was not a case that could be referred to the board of arbitrators.¹¹

(105)

Petition of
W. Murray.

Mr. Mackenzie moved, seconded by Mr. Scott of Bytown, and the Question being put, That the Petition of William Murray, of the City of Montreal, Contractor, praying compensation for monies withheld from him by the Government when due, and for losses sustained thereby, as a Contractor on the Welland Canal, be referred to a Select Committee, composed of the Honorable Mr. Merritt, Mr. Solicitor General Macdonald, Mr. McFarland, Mr. Smith of Wentworth, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; the House divided:--And it passed in the Negative.

Only MESSRS. DEWITT and MACKENZIE ... [voted] for it.¹²

(105)

Petitions
referred.

Ordered, That the Petition of J.G. Bowes, Esquire, and others, of the City of Toronto; the Petition of William P. Howland and others, of the Townships of York and Etobicoke; the Petition of Théophile Roy and others; the Petition of Elizabeth R. Thomas and Harriet Inson, on behalf of the Ladies of the Benevolent Society of the City of Hamilton; the Petition of the Montreal Firemens' Benevolent Association; and the Petition of the Mayor, Aldermen, and Citizens of the City of Montreal, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of P.P. Russell and others, of the County of Missisquoi, be referred to the Select Committee to which was referred the Bill to authorize the establishment of a second Mutual Fire Insurance Company for the Country parts of Counties in Lower Canada in which there are large Cities or Towns.

Petition to
be Printed.

Ordered, That the Petition of Gaspard Moras and others, Censitaires, of the Parish of St. Pierre les Becquets, be printed for the use of the Members of this House.

Rectories.

Ordered, That the Return relative to Rectories, which was presented on Tuesday the tenth of June instant, be printed for the use of the Members of this House.

Penitentiary.

The Honorable Mr. Price, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--The Annual Reports and Accounts of the Provincial Penitentiary, for the year 1850.

Appendix (W.)

For the said Statement, see Appendix (W.)

Eighth Report of Committee on Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Mrs. Mary G. Sherwood and other Ladies of the City of Toronto, and of the City of Kingston Water Works Company, and find, in each case, that notice is not necessary.

The Petition of the President, Vice-President and Directors of the Quebec Building Society for certain amendments to the Act to encourage the establishment of Building Societies in Lower Canada, relates to a Public Act, and consequently cannot properly, in the opinion of Your Committee, come under their consideration.

Answer to Addresses.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, That their Addresses of the 17th and 18th instant, (that the Papers therein respectively mentioned might be laid before the House,) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House that he will give directions accordingly.

MR. NOTMAN¹³ moved that the 70th rule, requiring the usual fee on private bills be dispensed with, in so far as it related to the bill for amending the act incorporating the Port Burwell Harbour Company.¹⁴

SIR A. MACNAB.--Why make an exception in this case?¹⁵

MR. NOTMAN--He explained that when the act was passed, a portion of the business of the Burwell Harbour which had since grown up was not in existence. He meant the trade in saw-logs. At present a large exportation of saw-logs took place,¹⁶ from Otter creek to the United States. At this time, 50,000 saw logs were lying in the harbour;¹⁷ and all this ... without the Company having any legal right to take tolls; inasmuch as saw-logs were omitted from the schedule appended to their act.¹⁸ The Company desired to have liberty to impose tolls on articles of this description.¹⁹ The bill only consisted of about three hours.²⁰ It was too much to expect that a body of farmers--who maintained the harbour without assistance from the country--should be put to the expense of printing the bill, and other expenses connected with its passage through the house.²¹

MR. H. SHERWOOD remarked that the Harbour Company would reap heavy tolls from the exportation of saw logs, and surely the country ought not to be put to expense for their individual benefit. There was no excuse for relaxing the rules of the house in this case, while they were adhered to in relation to all bills for the incorporation of charitable institutions²², who could not obtain the remission of the fee charged on private bills.²³

MR. W. BOULTON opposed the motion, because he desired the rule referred to to become so obnoxious to a majority of members, that they would sweep it away altogether.²⁴

MR. ROBINSON thought it singular that an export duty on saw logs should be

allowed to be imposed at Port Burwell, and nowhere else in the colony. He would remit the costs of the proceeding to the Company, but government should give some explanation as to their intention on the subject.²⁵

MR. MCFARLAND deemed an export duty on saw logs necessary. The Americans were coming into our forest, carrying off our finest lumber, and are underselling our manufactures in their market.²⁶

MR. AT. GEN. BALDWIN opposed the motion, for the came [sic] reason that he opposed a general motion on the same subject by ... the members for Toronto (Mr. W. Boulton) [and Mr. H. Sherwood].²⁷

MR. CAYLEY was understood to speak in favor of the principle of an export duty on the saw logs.²⁸

(105)

Port Burwell
Harbour Bill.

Mr. Notman moved, seconded by Mr. Scott of Two Mountains, and the Question being put, That the Seventieth Rule of this House requiring the payment of a Fee on Private Bills, be suspended as regards the Bill to amend the Act incorporating the Port Burwell Harbour Company; and that the printing of the said Bill be also dispensed with; the House divided:--And it passed in the Negative.

Bill relating to
pleading in
Courts, and to
Queen's Counsel.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to authorize Her Majesty's Subjects to plead and reason for themselves or others in all Her Majesty's Courts in Canada, and to abolish the title or distinction of Queen's Counsel.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. COM. CR. LANDS PRICE²⁹ ... moved his Resolutions on the subject of the Clergy Reserves.³⁰ "Resolved--That an humble address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which she has been pleased to receive the address of this House of last Session on the subject of the Clergy Reserves, and to assure Her Majesty of the great satisfaction which it has afforded to this House and the Province at Large to learn from the despatch of the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be framed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing iterests [sic] are respected."³¹

Some twenty petitions were presented against any disturbance of the present settlement. MR. ROBINSON asked Mr. Price if, after these petitions had been presented, he was prepared to proceed with his resolution³².

MR. COM. CR. LANDS PRICE said the delay which he had consented to on this subject had afforded gentlemen opposite an opportunity of getting up petitions to sustain them in their views, and on the strength of these petitions he had been asked to withdraw his motion.³³ But how could he withdraw³⁴. He found that only 2,000 persons had petitioned against the interference of this House on the subject of the Clergy Reserves, while³⁵ he had 534,000 persons in favor of the course he proposed.³⁶

MR. SHERWOOD, why there are only about 700,000 people altogether.³⁷

MR. COM. CR. LANDS PRICE included the rising generation, because they were as much interested in the question before the House as those who had attained their full growth.³⁸ (Laughter.)³⁹ Now for twenty-five years this question had been agitated in Canada,⁴⁰ and it was in his view the most vital subject that could at present come before the legislature. Some questions there are which, although founded on truth, require to be pressed by a bold man in order to lead public opinion to a knowledge of their truth, but in this instance the vast majority of the people of Canada had invariably declared that the Reserves should be taken from the churches and given for educational purposes; and therefore he felt no reluctance in bringing forward the motion of which he had given notice. The subject should be discussed calmly, and in the exercise of charity⁴¹ on both sides, for he conceded to those who thought differently from himself, the same sincerity which he hoped belonged to his own opinion.⁴² Whilst he believed that state churches were the greatest curse that had ever existed on the face of the earth, and had done more than almost anything to demoralize the community, he conceded to hon. members opposite the right to believe that state churches had been a great blessing; his only desire being that he should have the same credit for sincerity which he conceded to others. He cared nothing, however, about imputations on his motives. It was a matter of no earthly consequence to him what persons might impute to him in a matter of this kind. He was convinced that religion when left to itself was more pure, and would be more successful, than when taken up by arms of flesh, and carried by the sword to the four corners of the earth. What had been the difficulty of successive ministers in Great Britain? It was the state church. (Hear, hear.)⁴³ It must, in like manner, be the great difficulty of every Government in Canada.⁴⁴ It was the preference given to one religious denomination over another, and the taxing of men for the maintenance of a system of worship of which they did not avail themselves. The question of the Maynooth grant was now endangering the present ministry, and would endanger the next; and both in England and Canada it was not possible for any government to rule satisfactorily whilst they were taxing one religious body to pay for the maintenance of the tenets of another. A difficulty of this nature had driven Lord Stanley and Sir James Graham out of a former government, and would sooner or later ruin any ministry that were determined to ally themselves to a state church.⁴⁵ He would admit that in England the state church had to a great extent grown with the growth of the people⁴⁶, [and] he would admit that there was, perhaps, a time when such proceeding was desirable, but it would never be tolerated when a people learned to understand their rights, civil and religious.⁴⁷ People had now awakened on this subject, and there was a growing conviction, akin to his own⁴⁸. It had always been a maxim with him that religious preference in a state was persecution of those who were not preferred. (Hear, hear.) With regard to the subject before the House, it had been contended that the resolution on which the address to Her Majesty had been founded last session was not the proper course to be taken in order to secure the rights of the people. He contended, on the other hand, that it was the only wise course, and the only one likely to result in success.⁴⁹ He had been spoken to thus--"What a pity you have re-opened this question;" but his answer was this:--Could a question like that of the Clergy Reserves be brought up or kept back by such an individual as himself? Could he have moved such a question without ruin to himself,⁵⁰ without being convinced that the great body of the people of Canada were at his back? Could he have interfered in a question that had so much disturbed the peace of the country for the last fifteen or twenty years, without the support of the very best class of the community, and without being convinced that the large body of the people were under the impression that they had been unfairly and improperly dealt with? On the other hand, he was condemned, because, while main-

taining the principle that the Clergy Reserves belonged to the people, and to the people alone--he had proceeded by an address sent to England, instead of by bill; and also because he⁵¹ had shown some tenderness for the rights of present incumbents. He had not altered his mind upon this subject, but he professed some respect for Acts of Parliament, and rights acquired under them, and he would never, whatever the consequence, consent to their violation.⁵² Who placed these Reserves out of the hands of the people of Canada? The people themselves invested the Reserves in the Crown; an imperial act was passed to settle the question, and under that act we were now acting. It had been urged that the proper course was to pass a bill here, defining what would be done with the Clergy Reserves; that the bill should go home, and then should be made the foundation of another bill in England, which should give effect to the provincial act. This was what was vulgarly termed bunkum, which no statesman would venture to sanction. He admitted that we had power to legislate on the question; but we could not do so until the question was sent back to us by an imperial act. He would like to know whether we were more likely to succeed by going to England to beard the Imperial Parliament to their faces, and saying "We'll put you and your act at defiance, and dispose of the Reserves as we please, whether you assent to our bill or not;" or by sending a respectful address to the Sovereign, asking that the question might be again brought before Parliament, and that the Reserves might be again invested in the people of this country, to be disposed of as they may decide? Had he agreed to a bill, what would have been the consequence? Why, that the influence of the church would have been brought against the measure, whereas at present, when the proposition was merely to reinvest the Clergy Reserves in the people of Canada, the answer on the part of the Churches of England and Scotland would be, "This is not the place to fight your battle; we are not so familiar with the character and genius of the people of Canada as their representatives, and to them must the matter be left." The Archbishop of Canterbury would be told, "You profess to have one-fifth of the population of Canada as adherents to your church;" and to the Church of Scotland would be said, "You number 63,000, odd, adherents in the Province,"⁵³ go, then where you can exert so much influence, all that you can get by the use of that influence you shall have⁵⁴, and both would be told that the proper course was to let the question be fought out in the Canadian Legislature, where the respective churches would secure as much of the Reserves as the people of Canada were prepared to give to them. Was not this the legitimate and proper course, and one far more likely to conduce to the welfare of the Province than that which would leave the question as it now was--a constant source of strife and contention? It must be remembered that the present settlement was not that which was made by the Provincial Legislature. It was changed by the bishops of the Church of England, who apprised the minister of the Crown that they would not consent to the settlement proposed by Canada, but that they would submit to a settlement provided they were allowed to dictate the terms.⁵⁵

MR. H. SHERWOOD--What was the difference?⁵⁶

MR. COM. CR. LANDS PRICE.--What the difference was mattered little now. The fact on which he desired to remark was this--that Lord John Russell yielded to the importunities of the Church of England, and changed his bill accordingly; and under his bill we are now acting. All the while, however, the Minister of the Crown was conscious that the Imperial Parliament was not the tribunal before which this question ought to be decided, because they did not possess the information enjoyed by the local representatives. For his part, he had always opposed the letting of the Reserves out of the hands of Canada, being convinced that although for 20 years the people had fought this battle against a power over which they had no control, the time would come when the battle would be finally

fought, and victory achieved. The question, was, however, removed out of the hands of Canada, and the consequence was, that we had now to labor to bring it back to be adjudicated upon here. It had been stated that the annual income from the Reserves amounted to £50,000; but this was a great exaggeration.⁵⁷ The true statement was this,⁵⁸ the Reserves were originally composed of 2,395,687 acres of land, of which 1,192,699 acres had been sold. The amount for which they had been sold was £775,776, of which £410,517 had been realized⁵⁹, and remained due, £367,776.⁶⁰ The income last year was £31,000. In 1848 the Church of England received £9,547; in 1849, £12,283; in 1850, £6,337. The Church of Scotland received in 1848, £3,878, and in another year, £5,007. So that instead of having £50,000 distributed among these Churches annually, there had not been more than one-third this sum. (Hear, hear.)⁶¹

MR. H. SHERWOOD.--The others got something.⁶²

MR. COM. CR. LANDS PRICE.--Yes; but a very small sum. The money was with him, however, a matter of less importance than the fact that these payments virtually established a Church in the Province in connexion with the State. However desirable it might be to secure to the people of Canada a property that was really worth, intrinsically, two millions of money, the other question was a far more vital one--he meant the question of uniting the State with the Church. Such an union created discord amongst all denominations; one was exalted, to be pointed at, and, perhaps, shot at; while the others were trampled down as inferiors. How did the present settlement operate in another respect? Two or three churches got a certain amount of money by right of law; the others were required to come with hats in their hands, to the Executive Council, and beg for their share of the residue--making themselves the tools of the state, instead of becoming the ambassadors of mercy, and trusting for support to those to whom they ministered. The hon. gentleman then read from a letter of the Protestant Bishop of Toronto, a statement, that if the settlement of Canada had gone on regularly, township by township, the whole would have grown up with a regular church establishment "like that in Lower Canada."⁶³

Cries, like that in Lower Canada.⁶⁴

MR. COM. CR. LANDS PRICE.--Yes, the Bishop said like that in Lower Canada.⁶⁵ The Bishop continued in his letter, to complain that the officers of the crown some years previously had, by a spurious liberality, appropriated part of this property to the support of all Protestant Churches. That, then, was the great sin in the eyes of the Bishop. But he asked if there were any member who would dare to get up and enunciate the doctrine that the Clergy Reserves belonged to the Church of England, and afterwards go back to his constituents? By the Act 31, George the Third, one-seventh of the lands of Upper Canada, were set apart for a Protestant Clergy. It was contended by gentlemen on the other side that the term "Protestant Clergy" meant only the Clergy of the Church of England.--If that be the case, why not say so? Why descend from the elevation on which their conscientious convictions placed them? The moment they came down from their position to the level of mere expediency, "for the sake of peace," as they said, that moment they conceded the whole question to the people of Canada. The moment they violated the law according to their interpretation of it, that moment they opened the door to every Protestant denomination in the Province. But they go further, and contend that the present settlement was the proper one; and yet with this constitutional act staring them in the face, they gave a part of these Reserves to the Roman Catholics. It was plain, then, that these gentlemen were coming to the position he had taken up, which was that the whole Reserves belonged to the people of Canada, irrespective of their color or creed. The Bishop of Toronto had certainly no right to complain of the existing compromise, seeing that it was dictated by the Archbishop of

Canterbury, and by the Bishops of the Church of England, in opposition to the terms agreed upon by the Canadian Legislature. But other denominations might complain with justice.--For instance, were the Methodists of England or the Free Church of Scotland consulted in reference to the terms of the agreement? Were the dissenters of England consulted? Not at all; and yet those denominations formed a majority of the people of Canada. The Bishop complained that the Clergy Reserve lands had been valued much to [sic] low, but he (Mr. Price) knew that almost every person who applied at his office about these lands, declared that they had been overvalued; and he knew this further fact--that the Clergy Reserves, as a parcel of land, realized double what the Crown Reserves realize. The Clergy of the Church of England complained that they had been deprived of a certain portion of these lands; they were entitled to all, they said, but for the sake of peace they had surrendered a certain proportion; and they were willing that the settlement should stand as it is. But if the law as expounded by the twelve judges of England be right, Bishop Strachan was wrong, and the Clergy of the Church of England had been for years receiving a proportion of the Clergy Reserves which property belonged to other denominations. Did the Church of England make a debtor or creditor account, showing what was due to other denominations from 1791 to 1840? No; but that whole period was quietly passed over, and the Church said "now the distribution shall commence."--(Hear, hear.) The hon. member then read from a resolution of the Methodist Conference, adopted last week, with a view of sustaining his argument relative to the desire of the people to have the Reserves reinvested in the Province, and applied to education--respecting however, the rights of present incumbents. He shared the views of that Conference, on the principle of State endowment. The members of it declared that they would continue to rely upon the same principle upon which they had always relied; and what was that principle? The entire support of their clergy by voluntary contribution. The Free Church of Scotland had spoken in the same sense; but he was sorry to say she had said more, and had declared a desire to take away the pittance now received by incumbents. Did those who spoke thus want to obtain the control of these funds, or did they not? If they did, such a declaration would endanger the success of any measure they might propose. There were men--missionaries of churches--who received certain stipends from the state, and he would not turn them beggars on the world. These persons had come from England, with their families, on the faith of the government pledge and it would be⁶⁶ an act of the highest cruelty and injustice⁶⁷ now to turn them on the wide world, unfitted and unprepared for any other pursuit. He would not be a party to deprive this class of persons of⁶⁸ the small pittance on which they lived⁶⁹. Their life interests [lay] in these reserves--interests which were small in comparison with the whole value of the reserves, and with the importance of the principle involved. He was willing to concede credit for sincerity to many who would deprive present incumbents of their interests; but there were others who had no sincerity--demagogues, out of the house, who did not want this question settled, (hear;) who thought that by keeping it unsettled, they would be enabled to break the connection between this country and Great Britain. There was nothing that these men were not capable of doing, in order to damage this question, that they might dishonestly effect their main object--annexation to the United States. He could understand and respect his hon. friend, the member for Beauharnois, (Mr. DeWitt,) who avowed himself an annexationist; but those who worked in the dark--who endeavored to do one thing, while they proclaimed their desire to another--were dangerous men, whom he desired to avoid. He then stated the numbers of those whom he claimed as his supporters, going over the several churches to which they belonged, such as Methodists, Free Church, Roman Catholics, Baptists, &c.⁷⁰

MR. W. BOULTON, who was checking the hon. gentleman's statistics, reminded

him that his figures lied.⁷¹

MR. COM. CR. LANDS PRICE explained that the discrepancy discovered by Mr. Boulton⁷² between past and present calculations⁷³ arose from the fact that⁷⁴ in the present account those who belonged to no religion were divided among all the Churches. (Laughter.)⁷⁵ Well, it was, he confessed, a novel principle in statistics, for hitherto⁷⁶ those who were of no religion had been always handed over to the Church of England; but Mr. Crofton, who had prepared this statement, had divided them amongst all religious denominations in proportion to their numbers.--(Renewed laughter.)⁷⁷

MR. H. SHERWOOD.--The Catholics won't take them.⁷⁸

MR. COM. CR. LANDS PRICE.--But the Church of England went on the principle of taking all that did not belong to any other body. It had been stated that the address on this subject was carried last year by a majority of Roman Catholics, and, furthermore, that it was carried by a majority of only two. It appeared that the resolution on the question of responsible government, in 1843, was carried by 46 to 23; that vote, he considered, secure [sic] forever, responsible government; and it was precisely the same as was taken on the Clergy reserve address. On that address, 46 voted for it, and 23 against it. Yet the public were told that it was carried by a majority of two. Such misrepresentations were alike bootless and dishonorable. The hon. gentleman next read a recent dispatch of Earl Grey avowing the propriety of leaving this question to the decision of the Provincial Parliament. He also read a despatch from Lord Goderich, stating that the principle of setting apart lands for any object would be objectionable; but it would still be more so when the appropriation was for a religious purpose, as tending to render odious the teachers of religion. Lord John Russell spoke in Parliament, he said, to the same effect; and this was after Lord Sydenham had informed Lord John Russell, that unless the question was settled, it would cause some very troublesome members to be returned to the new Parliament, then about to assemble. This showed that the subject was a popular one, and had always been so. If that were the case then, ought it not now be got rid of, in order that the present House might go back to their constituents on some less annoying questions?⁷⁹ Reverting from this part of the subject to the opinion of the Crown lawyers that the term Protestant included all Churches not Catholic, he asked, incidentally, why the Church of England had not accounted for what she had received prior to the present settlement; but he showed, from a speech of Mr. Pitt⁸⁰ in the Imperial Parliament, in reply to Mr. Fox,⁸¹ on the Imperial Bill by which the reserves were appropriated,⁸² that when the original appropriation of lands was made, it was distinctly understood to be open to revision and change⁸³ so that the author of the Bill himself had never contemplated a final arrangement⁸⁴; and he contended that every lover of his country should now forget his political and religious prejudices, and endeavor to construct a plan by which existing religious feuds could be got rid of, and the whole question settled satisfactorily and for ever.⁸⁵ There were but two courses open, either to legislate in the Province in such a manner as to give entire satisfaction, or leave the subject to the legislation of Great Britain⁸⁶. It was impossible that the present arrangement could be carried out.⁸⁷ [It] had given satisfaction to no religious body, and he put it [to] any ... candid man whether it ought to have done so, whether it were a fair division among all such denominations as were willing to accept grants?⁸⁸ Certainly the churches of England and Scotland got their proportion, but how was the residue to be divided with any degree of equity or satisfaction?⁸⁹ What was to be done with those numerous bodies, who refused to take any of these lands for the support of the Church. Yet these bodies were numerous.⁹⁰ Were ... [they] to become state paupers? Were they expected to violate their

principle--which recognized no support from the State--or were they to succumb to denominations which had allied themselves to the State? The Legislature, as [a] body, had no right to recognize any differences of religion or of color, but should administer the laws for the equal benefit of all. Certainly they had no right to prescribe terms that should control religious bodies that might yet arise, to exceed in number any body now in existence; and it was impossible for any future government to deal with this question satisfactorily except on the broad ground of justice, which he proposed. Was not dissatisfaction with the present settlement wide as the Province itself? Had it satisfied any body except the remnant of the Church of Scotland and the Church of England, to whom the cream of the whole matter had been given? Even if the ministers of other denominations were disposed to rest quietly, the people would not submit to anything short of the abolition of all State preferences.⁹¹ Here he read from a document recently published by the Secession Church of Scotland, declaring that as the lands were appropriated by the State, the State could justly, and ought rightly, to reassume them for other purposes⁹², whenever the circumstances of the country rendered such a measure needful. In this difficulty, the Provincial Parliament had no other resource than to ask the Imperial Parliament to legislate; for they were last session profoundly convinced that this was the only course that could be adopted with any hope of success. To act otherwise would have been to arouse the whole strength of the Church of England and Scotland. But the course taken was a respectful one; the Address was a mere request that the Legislature of Canada should be allowed to dispose of the Clergy Reserves⁹³, which did not state what it was intended to do hereafter with the funds. (Hear, hear.)⁹⁴ The lands were held by the Crown, in trust for the people, and the constitutional Act conferred power to alter and modify the law at any future period. He did not want Great Britain to legislate for him in reference to these Reserves, except in so far as was necessary to put the matter into the hands of Canada. Let [the] Church of England confine her influence to this Colony, and endeavor to enlist other churches in her own pretensions. At any rate,⁹⁵ all he wanted was that Canada should decide for herself, and if it [is] decided, here in Canada, that a division of the property should be made, as at present, he should object; but he should be satisfied.⁹⁶ He was opposed to State endowments altogether, being convinced that nine-tenths of the evils which have desolated the world, and half the wars that had ravished the nations of the earth, had arisen through State churches, whether heathen, Mahomedan, or Christian. So soon as the Clergy lay aside the meek character of the Christian minister, and take up the sword of State to sustain and support the Church, so soon they become corrupt, and mere tools to carry out the whims and wishes of the government with which they were allied, be it good or bad. The hon. gentleman then referred to an assertion that he had sanctioned the present arrangement of the Reserves, explaining that although a member of a committee which had reported favourably of it, he had been in a minority. He thanked the House for the attention with which his remarks had been listened to, and concluded with moving the resolutions of which he had given notice⁹⁷.

(105)

Clergy
Reserves.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That an humble Address be presented to Her Most Gracious

Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the

Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

MR. H. BOULTON felt that this was one of the most important questions that could occupy the attention of the Legislature, and therefore he regretted that the hon. gentleman had pursued a course similar to that taken by him last session, and which did not pledge the government to any decisive action in the matter⁹⁸, though members of the government previous to the election had condemned any persons who sought to form a government without taking up the subject as a government measure.⁹⁹ The course now proposed would necessarily occupy a considerable time, and would leave the Imperial Parliament in the dark as to the wishes of the people of Canada.¹⁰⁰ He proposed to adopt a new and shorter course¹⁰¹. He had prepared, and would now move an amendment in favor of passing an act setting forth the provisions desired by the people of the province, with a clause suspending its operation until the measure received the sanction of the imperial legislature.¹⁰² He would not detain the House longer, but would place his resolutions in the hands of the Speaker, and should they meet with the favor of the House, he would refer them to a select committee to draw up a bill in accordance therewith.¹⁰³ He therefore moved an amendment, containing a declaration to that effect.¹⁰⁴

(105)

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, and the words "the most direct, clear, and satisfactory mode of conveying to the Queen and Her Imperial Parliament the wishes of the Legislature of Canada, on the subject of the Clergy Reserves, would be to pass an Act containing all the provisions intended to be adopted, with a clause suspending its operation until it shall have received the express sanction of the British Parliament, a course which was most satisfactorily followed upon the subject of the Civil List in 1846; and that the Honorable Mr. Price, the Honorable Mr. Attorney General Baldwin, the Honorable Mr. Cayley, Mr. Morrison, and the mover, compose a Committee to draught and report a Bill to this House accordingly" added instead thereof;

MR. H. BOULTON.--This course was pursued in 1846 with satisfactory results, and he was convinced that its adoption on this occasion would be equally beneficial.¹⁰⁵ In answer to Mr. Price's objections to this course, he said it was absurd to suppose that the members of the Church of England would not be informed of the views which prevailed in this country, merely because the measure to be brought into the Imperial Parliament might be wrapped up in mystery. Such a course was not a straightforward one, and would not succeed. But it was certain that if a bill were carried, stating plainly what were the views of the Provincial Government it would pass that House; and it was hardly less certain that the Ministry at home, who had expressed their readiness to accede to the view of the people of Canada, would also accede to that bill. If, indeed, opposition would be offered in that case to Lord John Russell, the very same opposition would be offered now. To attempt to hoodwink the Imperial Parliament was only to stultify the Province.¹⁰⁶ Members of Government said this was an unconstitutional way of proceeding. It was not so--nothing could be more con-

stitutional.¹⁰⁷ It was said that ... the Provincial Legislature could not repeal an Act of Parliament. Nobody supposed it could, but it could state its views clearly as in the case of the Civil List¹⁰⁸ in 1847, ... passed under precisely the same circumstances¹⁰⁹ and leave the responsibility elsewhere. The course he proposed would settle the question; but if a bill merely came out from England permitting the Province to pass a certain act, with certain provisions, the whole question must be begun, de novo, to get these provisions so modified as to be agreeable to public opinion in Canada.¹¹⁰ If members of Government were sincere they would pass this law, and not leave the question open for future agitation; as to the main question, his (Mr. Boulton's) views were well known. He took many years ago precisely the same opinion of the Act of 1791 as was now enunciated in the resolutions of the hon. gentleman opposite (Mr. Price.) The Constitutional Act plainly ... [stated] that the Reserves were set aside for the support of a Protestant Clergy, and left it for alter [sic] decision in what manner they should be applied to that end.--¹¹¹ He went at some length over the probable reasons which actuated George 3rd in making the ... grant in the form in which it was made to all Protestant Churches.¹¹² It was absurd to say that the Church of England was the only Church entitled to the benefit of that Act. The phrase Protestant Clergy was evidently used in distinction from the Roman Catholic Church, which was already provided for by the right to levy tithes--a right which still existed in Lower Canada, and on which a fair argument might be raised whether it did not yet exist in Upper Canada. At the time the bill was passed there were but 150,000 people in both Provinces¹¹³. The spot where he stood was at that time a "howling wilderness"¹¹⁴.

Several gentlemen replied that it continued to be very much of a "howling wilderness" by that day.¹¹⁵

MR. H. BOULTON.--There were no ministers interested in the grant, and therefore there were no quarrels. But a great change had come over the scene, and this Reserve question had been for many years the most fruitful source of discord and bitter strife. Now, he (Mr. B.) wished to settle this vexed question once and forever;¹¹⁶ and contended that the best way to meet the views of the grantors in the present condition of the province, was to devote the whole property to the purposes of common education¹¹⁷, and the whole people would be benefitted. The people were taxed for the support of education, and all classes and creeds would be benefitted by the removal of that tax.¹¹⁸ This would not, in fact, injure the Churches; for regarding the word Church as signifying not the Clergy, but the people including the Clergy, it was evident that if the Clergy Reserves were so applied, the Churches would be more able to apply money to religious institutions, which now necessarily went out in the shape of school taxes. Nor did he believe that the Church, especially the Church of England, had gained anything by this miserable pittance.¹¹⁹ [It] could not be considered as a support for them, and he believed the knowledge that they got payment from the state kept from them contributions by their people to a much larger extent.¹²⁰ With a people as rich probably as any other in the province, why should not that Church be supported as others were, instead of receiving a miserable annuity which made her like Ishmael--her hand against every man, and every man's hand against hers? Her Clergy were zealous, virtuous and learned; and her doctrines were pure; but these miserable Reserves in spite of these advantages made her the subject of widespread hatred.¹²¹

MR. MORRISON wished to ask the Attorney General whether, if such a Bill as Mr. Boulton proposed, were passed by both Houses, he would advise the Governor General not to assent it?¹²² He waited some time for an answer, and repeated

his question¹²³.

MESSRS. AT. GEN. BALDWIN and AT. GEN. LAFONTAINE were dumb.¹²⁴

MR. MORRISON continued: He could only say that if the course suggested by Mr. Boulton could be taken, he thought under all the circumstances it ought to be adopted. But if the law officers of the Crown gave their opinion that it was unconstitutional, and said that they would advise the representative of the Sovereign to that effect, that fact would certainly give a different complexion to the question.¹²⁵ [He] would vote for the amendment if the hon. member for Norfolk would insert that part of the original motion, which thanked her Majesty for her gracious answer to the address.¹²⁶

MR. H. BOULTON assented.¹²⁷

MR. NOTMAN would vote for Mr. Boulton's resolution. He thought that the question had been long enough open, and no doubt should be left as to the manner in which they proposed to apply the Reserves; in his opinion they should be taken from all churches and applied to education. He would support the Bill as the most straightforward mode of meeting the question,¹²⁸ and if agitation must be continued, would let the responsibility rest upon England not upon Canada. He was one of thirteen who voted for a Bill last session, though out of that thirteen only eight members were from Upper Canada; and yet¹²⁹ he was certain that not one member who now sat for a reform constituency in Upper Canada would have been returned at last election had he avowed opposition to this direct mode of proceeding.¹³⁰ If a bill would fail in England, so would an address.¹³¹

MR. INSP. GEN. HINCKS expressed a great desire to see the question settled, but he thought the course proposed by the hon. member for Norfolk was¹³² calculated to defeat its object.¹³³ He thought it unfair in the hon. member for Middlesex to endeavor to impute to the government a desire to keep back the settlement of this question¹³⁴, [and] felt that this was a very unkind cut, coming from a member who receives some £300 a year as Queen's Counsel.¹³⁵ The question for the Imperial Parliament was whether the question should be settled in Canada or not. Instead of that the hon. member proposed to present the question on its merits, and it was known that this must be very embarrassing to a very important body--he meant the Bishops. He did not wish to embarrass the Imperial Legislature and therefore desired to place the question before them in such a mode as would make them decide only on the constitutionality of leaving the decision of the subject to the Legislature of Canada.¹³⁶ To pass a bill here would, in fact, be to ask the Imperial Legislature to legislate upon it--for it would go home with a suspending clause. Besides the house would stultify itself if it were to take a course this session different from that which it took last session.¹³⁷

MR. AT. GEN. BALDWIN complained that gentlemen were taking a course tending to embarrass the Government from merely personal motives. As to the act of 1846, he was not responsible for that; but hon. members opposite were. However, the two measures were quite different.¹³⁸ In that case they did not oppose an Imperial act¹³⁹. That act was an act granting away the money of the Province,--something which Parliament had the perfect power to do. It was now proposed to do something which a mere tyro knew it would be impossible for the Provincial Legislature to do.¹⁴⁰ To take the course proposed by the hon. member for Norfolk would be to make this House the laughing stock of the British Legislature. And no body of men, who had any respect for themselves, would attempt to do what they had not the power to do.¹⁴¹ It was childish to propose one course last year, and another decidedly opposite course now, when

the Imperial Parliament was about to do what had been asked of them.¹⁴² If he had been one of those who, last session, thought the proper mode of proceeding would be by bill, he would not now propose to take that course, since the house had last session decided upon another.¹⁴³

MR. HOPKINS contended that the opinion given by the Attorney General as to the unconstitutionality of the mode of settlement suggested by Mr. Boulton's resolution was incorrect. He was confident it was perfectly constitutional, and that the Home Government would be glad to have such a course adopted.¹⁴⁴

MR. ROBINSON rose and said--The Hon. Attorney General for Canada West states that the question in 1846 was one for a specific purpose,--merely to allow the Church of England to have the management of her share of the Clergy Reserves. He (Mr. R.) thought that a reference to the Report of the Committee would show that it was not confined merely to that.--He found in that Report the following language:--

"Your Committee find with great regret, from the numerous petitions laid before your Honourable House, that the long agitated question of the Clergy Reserves had again become a subject of discussion and contention in this Province.

The excitement which so unhappily existed on this subject for many years, and which produced such disastrous consequences to the peace and prosperity of the Province, was at length set at rest by the Imperial Statute 3 and 4 Vic., cap. 78. (Hear, hear, hear.)

The Imperial Legislature intended that statute to be a final statement (hear, hear,) of this question: and, notwithstanding the inequality of the division, it was accepted by the inhabitants of this Province as such." (Hear, hear.)

And, Mr. Speaker, the Report concludes:--

"Your Committee are therefore unanimously of opinion that the division sought for by one out of the many denominations interested in the said land is inadvisable, and they strongly recommended that no change or deviation from the present system should be sanctioned by the Legislature."--(Hear, hear.)

"Ordered that 1,000 copies of the said Report be printed for the use of members."

Mr. R. continued--Now, Mr. Speaker, that Committee consisted of Messrs. Petrie, McDonald (Kingston,) Stuart (Bytown,) Price, (hear, hear,) and Chalmers--not one of them belonging to the Church of England; for he believed his honble. friend before him (McDonald of Kingston,) was a moderate Presbyterian, and the Hon. Attorney-General voted for that Report.--(Hear, hear.) He (Mr. R.) never taunted any man with changing his mind, or objected to his doing so; but in a question of this importance, he thought good reasons should be given, and particularly by honble. gentlemen filling important situations like the Hon. Attorney-General and his colleague the Hon. Commissioner of Crown Lands.¹⁴⁵

MR. AT. GEN. BALDWIN.--I was not on the committee, and never agreed to the report in the world.¹⁴⁶

MR. ROBINSON would read from the debate in 1846, what the Hon. Attorney General had said:--Mr. Baldwin (said after speaking of former agitation on the question of the Clergy Reserves)--"And at length when Lord Sydenham undertook the settlement of the question, it was difficult to find a majority to support any given proposition; there were the advocates of the Church of England who claimed all the lands; others who maintained the right of each denomination to its regular share; others who would apply them to public improvement; others to education and the building of churches; and others to education alone. (Hear, hear.) Such was the diversity of opinion in Upper Canada, until at last, and in consequence of the whole weight of the Government being turned towards it, parties were induced to support the Bill of Mr. Draper, which, although it

was not sanctioned at home, led to a final disposal of the question (hear, hear,) by the Imperial Parliament. It was known that this settlement did not please all parties in Canada; that some positively refused to recognize it. Now he (Mr. B.) called on hon. members to mark his words, that if the question be re-opened, former fierce agitation will be resumed, and may end in the total discomfiture of the Church. He would again warn them to that effect. So much did he (Mr. B.) dread the renewal of agitation, that he had in every instance, and in toto, discountenanced such a course, and he could appeal to his honble. friend beside him (Mr. Price) to say if such were not the fact. He therefore pressed upon both sides of the House to forbear reviving the question. (Hear, hear.) He sincerely deprecated further agitation on either side, and had done all in his power to discourage it among those with whom he usually acted."

He (Mr. R.) called on the Hon. Attorney General to state why agitation on this question, was not as much to be deprecated now as in 1846? Was it because the hon. gentleman and his colleagues, after having all power in their hands for seven or eight years of the eleven that we had enjoyed the blessings of Responsible Government, and after putting to rout, as they boasted, the great bugbear, the Family Compact, had so far come short of their many promises to their political friends that they were afraid to meet them? (Hear, hear.) Was this the reason for just now reviving the old worn-out, threadbare question of the Clergy Reserves? Was the eve of a general election a more desirable period than 1846? (Hear, hear.) Did they require this to sustain them, after all the opportunities [they] had had, and supported as they had been by such majorities as no Government in Canada ever before commanded? He (Mr. R.) strongly condemned the conduct of the hon. gentlemen opposite, and reminded the Hon. Commissioner of Crown Lands of what he had said on this subject, in 1846. The authority from which he quoted was derived from the hon. gentlemen between them (Mr. Hincks) from the Pilot office. (Hear, hear and laughter.) On referring to his (Mr. Price's) speech, he found that gentleman using the following language. He would, however, give that hon. gentleman credit for consistency in a great deal of what he had said on that and the present occasion; for on reference to his speech in the Mirror of Parliament, he found almost word for word, all we had heard to-night of the evils of an established Church, State paid Clergy, &c. In 1846 the Hon. Commissioner of Crown Lands said--

"That the settlement under Lord Sydenham had been considered final--(hear, hear)--that peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end--(Hear, hear, and great applause.) Although three-fourths of the people believed that the arrangement was made in injustice and partiality, they quietly submitted, as the only means of restoring peace to the land--(hear, hear,)--proportionate to that hope would be the grief and excitement produced by the re-opening of the question, &c. &c. (Hear.) He would, therefore, entreat honorable members to let the question rest--(hear, hear,)--leave it to the ministers of the Crown to dispose of the lands according to the law." (Hear, hear.)

Yes, Mr. Speaker, well may hon. gentlemen cry hear, hear, but he (Mr. R.) had one more short passage to read. After feelingly alluding to the miseries and difficulties arising from the agitation of the question in former years, the hon. gentleman concluded in the most solemn manner.

"He (Mr. Price) therefore implored--(hear, hear)--the hon. members on the other side of the House not to support the resolution of the hon. member for Toronto--to yield up a little of their sectarian spirit to the peace of the country (hear! hear! hear!) by investing these lands in no religious body whatever--but to allow them to be dealt with in accordance with the provisions of the Imperial Act--(hear, hear,)--and one great source of heart-burning and mutual recriminations among the religious bodies will be at once, and FOR EVER, lost in the oblivion of the past." (Hear! hear! hear!!!)

Mr. R. continued--The hon. gentleman (Mr. Price) had just concluded his speech this evening, Mr. Speaker, by declaring his unflinching hostility to any public aid in support of religion. He (Mr. R.) thought this House had a right to call on the other members of the Government, to say clearly and distinctly, whether they concurred in that determination--if so, then the hon. gentlemen around him (turning to the Lower Canada members) would know how to vote; the question would be narrowed down to the plain one, of there being any public aid given for religious instruction in the country or not. He (Mr. R.) never denied the right to any hon. member in this house, to vote on all questions as he thought right--but he thought he was entitled to ask on questions of this kind, that members¹⁴⁷ for Lower Canada, when they voted on this question,¹⁴⁸ should ask themselves how they would like the proposition before the house, if it applied to their own institutions, and vote accordingly.¹⁴⁹ For if the Reserves were done away with, agitators would arise in Lower Canada to proclaim the same doctrines, and for the same object, getting into office.¹⁵⁰ For (said Mr. R.) let them rest assured that agitators and demagogues would arise in their section of the country too, and for the same purposes, political ascendancy, and to promote their own selfish ends. But, Mr. Speaker, (continued Mr. R.) from what we know of the past history of this question, what probability would there be of a more satisfactory settlement of it than the present one. Supposing it were as the hon. member for Norfolk calls it, thrown again among us as an "apple of discord," what chance would there be of our agreeing on any better settlement--do we not this evening see the hon. member for Norfolk opposed to the hon. Commissioner of Crown Lands, and the hon. member for Oxford against the hon. member for Middlesex and West Riding, (Morrison), all reformers, and generally agreeing on other subjects. And the hon. member (Mr. Price) has just assured us that a large body of Presbyterians, some 130,000, will never consent to any public aid whatever to religion--is this the view taken by other larger bodies--he (Mr. R.) thought not.¹⁵¹ If that was the question let hon. members say it.¹⁵² The hon. gentleman concluded by condemning in strong terms, the inconsistency of the hon. gentlemen opposite, in now so far departing from their recorded opinions in 1846, and said he would vote against both the amendment and the original motion.¹⁵³

MR. RICHARDS did not think the hon. member for Simcoe had made much for his case by the extracts he had read.¹⁵⁴ The speeches ... were delivered against a proposal of the member for Toronto, who, on behalf of members of the Church of England, moved that the portion of the Clergy Reserves which would be set apart as their share, should be placed entirely under their control and management. The honorable Attorney General, West, and the hon. Commissioners of Crown Lands might well oppose a motion which would have placed so large a portion of the public funds in the hands of a clerical corporation¹⁵⁵, and deprecate opening the question upon it¹⁵⁶. Did gentlemen opposite believe that the existing settlement was satisfactory to any large body of people in the Province? He said it was not. The members of the Church of England had all along contended that the Reserves were originally intended solely for them; and whenever they allowed that principle to be departed from, they gave up the whole argument. The moment they admitted it would be expedient that the appropriation should be inquired into, that moment they permitted the whole question to come before the legislature, and to be settled as one in which the whole country was concerned.¹⁵⁷ He took on the amendment of Mr. Boulton, and asked¹⁵⁸ were there two members who believed that the hon. member for Norfolk wished to disturb the settlement as it now stood? He did not know who they were.¹⁵⁹

MR. H. BOULTON called the hon. gentleman to order. No member had any right

to impute motives to another. Such a practice was not parliamentary, nor would it be pursued in any gentleman's parlor.¹⁶⁰

MR. RICHARDS resumed. Did any two hon. gentlemen believe that any person who introduced a resolution like that of the hon. member for Norfolk, was really desirous that the present settlement should be interfered with, or that a decent minority could be found to support it? If not, then what was the object to be gained by its introduction? Was it not to throw the apple of discord among the friends of the ministry, and to promote some ulterior object rather than the settlement of this question? Perhaps these conclusions were unparliamentary, but they were nevertheless obvious.--This question was one that would engross the attention of the people at the next election. They could not stave it off; it was beyond their control; and would continue to agitate the community until a settlement was arrived at, satisfactory to the great body of the people. (Hear, hear.) It could not be supposed that the passing of a bill--as was proposed by the amendment--would facilitate the question. There were many members of the Imperial Parliament who would support a proposition that this Colonial question should be disposed of by a Colonial Parliament, but who would oppose any direct motion for the alienation of these Reserves. This being the case, it was prudent, wise, and right in the hon. Commissioner for Crown Lands to bring forward a proposition calculated to ensure the greatest possible amount of support in England. He (Mr. R.) understood why gentlemen who desired to produce an agitation¹⁶¹ and ... hatred against the government of England¹⁶², that should result in the separation of this country from England desired to proceed by bill. But if gentlemen really desired the question to be settled in such a way as would give satisfaction to the people of this country, and to them the responsibility where it ought to rest--namely, on the shoulders of the people--they would vote for the original resolution, which would strengthen the hands of the Imperial Government, in their endeavours to place this question under the entire control of the people of Canada. Much had been said about the influence of this question at the elections, but¹⁶³ [he] deemed that the matter was made a test question, or agitated in his part of the country at the last election.¹⁶⁴

MR. H. SHERWOOD said if he were in favour of disturbing the settlement of this question--which he had all along considered as finally settled by the Imperial legislature--he should most decidedly vote in favour of the amendment because he looked on it as the most open and manly course to pursue. He regarded the motion of the Hon. Commissioner of Crown Lands as intended to revive the agitation of this vexed question by false pretences. He did not tell the Imperial legislature what he desired to do with these Reserves. He did not proclaim that he intended to take them from religion, and to devote them to secular purposes. He merely sought to carry his object on the specious pretext that the question should be settled locally; and the Imperial Government, acting on the principal [sic] which had recently guided their colonial policy, would say they felt constrained to carry it out in this instance, and to leave us to do as we pleased with the Reserves; at the same time however, beseeching us not to interfere with the existing arrangement. He (Mr. S.) did not believe that those who were in favour of unsettling this question had the remotest idea of respecting the present incumbents and he did not believe that the public opinion which, it was said, urged the re-opening of the question, would permit them to provide for present incumbents. He was familiar with the views of the public papers on this subject, with the tone of petitions that had been presented, and with the opinions of persons as exposed in private conversation; and he had found but one opinion, which was that Mr. Price made a mistake in reserving any rights to present incumbents, who had no right to them whatsoever. Such were the spirit

and feeling that animated those who were urging on this question; and if they got it back here without some stipulation on the part of the British government, every existing incumbent would be recklessly deprived of all interest in the Reserves. Therefore, he said, if he were in favor of disturbing the question he would vote for the amendment, which proposed that the legislature should pass a bill to show how far they were acting with sincerity, and how far they would protect the interests of incumbents. The people of England would then see the question fully and fairly. "Oh, no." said Mr. Price; don't let the cat out of the bag, but ask in the most specious way to get the Reserves back again; promising to do that which they knew public opinion--if strong enough to drive them to the unsettling of the question--would never allow them to do, viz., to recognise the interests of incumbents. He (Mr. S.) was prepared to maintain that the settlement of Clergy Reserves in 1840 was considered on all hands, and by all parties, a final settlement. He had abundance of proof to establish that that was the intention of the legislature, and that it was so received by the country. It was well understood that this question had occupied the attention of the legislature, and that it was so received by the country. It was well understood that this question had occupied the attention of the legislature for a great number of years anterior to 1840. Lord Sydenham felt that he could not venture on the union of the Province until this question was settled; that view was acquiesced in by the people; and the question was never mooted again until Mr. Price, after an interval of ten years, brought [it] up in 1850. Whether the arrangement was right or wrong, whether just or unjust, it was assumed by the people at large as settled. If the settlement in 1840 was so obnoxious to the people of Upper Canada as it had been represented to be, was it possible that ten years would have passed over without the ... slightest effort being made to change it? He did not pretend to say that he was satisfied with that settlement, or that the great mass of the people were satisfied; but they had agreed to acquiesce in it. They did acquiesce in it for a series of years; and members who were now moving in the matter declared that they looked on the question as a settled one. He objected to reviving the question, because he thought that any right granted under the sanction of an Act of Parliament should not be interfered with. He did not assent that Acts of Parliament were not to be amended or repealed; but where a right was given to individuals, or support was pledged to denominations of christians, it should be held¹⁶⁵ sacred by the people, and more particularly still by a Government¹⁶⁶, sacred as any parchment under the great seal of the Province. The hon. gentleman then read from Lord Sydenham's despatches to show that his lordship, while viewing the subject as beset with difficulties, deemed the solution of it to be final, and necessarily so as preliminary to the union of the Provinces. His lordship's message to the Legislature sustained this opinion, and at the same time communicated his conviction that these Reserves should be held sacred for the purposes for which they were originally given¹⁶⁷, and not [allowed] to be thrown as an apple of discord, that would endanger the best interests of the country, into the United Parliament.¹⁶⁸ The same appeared in his speech on proroguing Parliament, being his last public appearance in Toronto. On that occasion, his lordship emphatically deprecated the reference of the question to the United Parliament, as was now proposed. His lordship then settled the question; and that settlement was deemed final for ten years--in fact, until the hon. Commissioner of Crown Lands felt it necessary to manufacture political capital.¹⁶⁹ He continued to argue that the bringing up of the question now was a mere electioneering trick of Mr. Price, or an attempt to patch up his popularity, and that it was not asked for by anybody. He (Mr. S.) thought such a course much to be deprecated¹⁷⁰. It was averred that the question had produced one rebellion, and might produce another¹⁷¹, and [he] concurred in

the opinion of Lord Sydenham, that agitation upon this subject would in the end sever the connection between this country and the Parent State.¹⁷² Why, then, did not the Government as a Government, introduce a measure on the question, instead of leaving an individual member of it to bring it forward on his own mere whim and caprice? Trivial matters were taken out of the hands of private members by the Government, but on a question of such vital importance as this, they had not moral courage enough to grapple with it. It might be that they were unwilling to risk any little political reputation they had left; and he (Mr. S.) was willing to believe that the hon. Attorney General, West, gave his most reluctant assent to this motion.¹⁷³ In 1846 both Messrs. Baldwin and Price had declared again and again in the House that the operation was a settled one, and that both of them had voted, or rather had not objected to a report when it was read condemning any disturbance of the settlement of 1840.¹⁷⁴ He (Mr. S.) could not understand in what way any man of thought, and with a tolerable knowledge of past affairs, could expect that this motion could produce peace and good will. Of all questions he dreaded those which excited the feelings of sects; and certainly this movement was calculated to enkindle sectarian as well as political animosity, and to revive discussions which struck at the very foundation of Colonial prosperity.¹⁷⁵ There was nothing that he more desired than this matter should be kept out of the hands of this Province.¹⁷⁶ The hon. mover had cited passages from speeches and despatches of Lord J. Russell and his colleagues when they could be wrested into an appearance of sanction to the motion; but no notice whatever was taken of Her Majesty's kindly advice, that, the question should not be again brought up. When he (Mr. S.) urged the prayer of petitions of the Church of England in 1845, members of the present ministry told him that they looked on the question as settled, and that the people looked on it in the same light. He should oppose the motion because he was prepared to do what he could to prevent the unsettling of the question. Let the consequences of the course proposed be on the heads of those who had moved in the matter without being required to do so by any considerable body in the community.¹⁷⁷

MR. COM. CR. LANDS PRICE said the members for Middlesex and Norfolk were actually playing into the hands of the member for Toronto; for assuredly if the amendment should pass, there would be no adjudication on the Clergy Reserves in Canada or in Great Britain. He was not ashamed of the speech to which the hon. member for Simcoe had adverted, because he (Mr. P.) then thought and said that that was not the time for re-opening the question. It was not until last session that a fair opportunity for legislating on the subject presented itself. He was convinced that the course he took then was right, and was now desirous of giving it full effect. To send a bill to the Imperial Parliament would be to ensure its rejection; there was as little doubt that no minister of the Crown would venture to refuse to Canada the right to deal with the question as the Provincial Legislature might deem most expedient. It was admitted that the agitation of this topic excited more bad feeling than any other that could be brought up; and he called upon the member for Toronto and those who agreed with him, to do their utmost to lead ministers of the Church of England to abandon pretensions which could not be rightfully sustained. Every man had an interest in settling this question on a satisfactory, and therefore, a permanent footing, and he believed that his motion was calculated to attain this end.¹⁷⁸

MR. H. BOULTON said a few more words in explanation of some remarks from the Attorney General that he (Mr. B.) had treated him unfairly. In bringing up now a few loose words that he had formerly uttered; and contended that the words were not loose words, but the solemn enunciation of an opinion in an address to his constituents¹⁷⁹, that this question ought not to be intro-

duced except on the responsibility of Government. Contrasting this with the fact that the present motion had been brought in by Mr. Price, avowedly as an independent member, the Ministry were justly chargeable with a most culpable dereliction of duty.¹⁸⁰ The words of the Attorney General then were the severest commentary that would be made in the utter absence of principle of the Commissioner of Crown Land's resolution. He (Mr. Baldwin) had declared in that address that the Clergy Reserve question was one on which a government was bound to choose its side and bring all its legislative influence to carry, and that when the members of a Government could not agree on a question affecting the public interest, public morality required they should separate.¹⁸¹

(105)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

*Messieurs Boulton of NORFOLK, Fergusson, Hopkins, Mackenzie, and Notman.
--(5.)*

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Burritt, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Dewitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N.

(106)

MacNab, Malloch, McLean, Merritt, Meyers, Polette, Price, Richards, Robinson, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of WENTWORTH, Stevenson, and Wilson.--(52.)

So it passed in the Negative.

And the Question being again proposed, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

And a Debate arising thereupon;

MR. MACDONALD, of Kingston, suggested that the discussion on the question should be postponed till Wednesday, as several amendments remained to be proposed; and there was also other business which it was desirable to advance a stage.¹⁸²

MR. COM. CR. LANDS PRICE consented¹⁸³.

(106)

Ordered, That the Debate be adjourned until Wednesday next; and be then the first Order of the day.

Quebec Turn-
pike Roads
Ordinance.

Mr. Chauveau moved, seconded by the Honorable Mr. Chabot, That this House will immediately resolve itself into a Committee, to consider the expediency of extending the provisions of the Ordinance passed in the fourth year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose," to certain other Roads, and of authorizing the Trustees to raise a further Loan;

The Honorable Mr. Attorney General Baldwin, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will, immediately, resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Richards took the Chair of the Committee; and after some time spent therein;

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

Church
Society Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to provide for the establishment of a Church Society for each of the Dioceses of Quebec

and Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Bill relating to
Streams and
Rivers in
Upper Canada.

Ordered, That Mr. Richards have leave to bring in a Bill to repeal the Acts 7 Vic. cap. 36, and 10 & 11 Vic. cap. 20, on the subject of imposing Fines on Mill-Owners and others, for throwing Slabs into and otherwise obstructing Streams and Rivers in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Building
Societies
Bill, (L.C.).

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend an Act to encourage the establishment of Building Societies in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Montreal, Ottawa
and Kingston
Railroad Bill.

Ordered, That Mr. Malloch have leave to bring in a Bill to incorporate the Montreal, Ottawa, and Kingston Grand Trunk Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Orphans home
and Female
aid Society
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to incorporate the Orphans' Home and Female Aid Society of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Toronto House
of Industry
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to incorporate the House of Industry of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Municipal Law
(L.C.) Amend-
ment Bill.

Ordered, That Mr. Sanborn have leave to bring in a Bill to amend and declare the meaning of certain enactments relating to the Municipal Law of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Petitions for
Private Bills.

Resolved, That the time for receiving Petitions for Private Bills to be extended until Saturday the fifth of July next.

Mutual Fire
Insurance
Company Bill,
(L.C.).

Ordered, That Mr. Lacoste be added to the Select Committee to which was referred the Bill to authorize the establishment of a second Mutual Fire Insurance Company for the Country parts of Counties in Lower Canada in which there are large Cities or Towns.

Heir and
Devisee Bill.

Mr. Solicitor General Macdonald presented a Bill to amend the Heir and Devisee Act of Upper Canada: And the same was received and read the first time; and ordered to be read a second time on Friday next.

Emigrant Act
Amendment
Bill.

An engrossed Bill to provide for the commutation of certain Bonds required under the Emigrant Act, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Criminal Law
Amendment Bill.

An engrossed Bill for the further amendment of the administration of the Criminal Law, was, according to Order, read the third time.

Resolved, That the Bill do pass.

(107)

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Law of Evidence
Bill, (U.C.).

An engrossed Bill to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to improve the Law of Evidence in Upper Canada," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Real or mixed
Actions Bill.

An engrossed Bill to amend the Law in Lower Canada as regards the District in which real or mixed Actions may be commenced, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Law of Lower Canada as regards the District in which Actions or proceedings affecting real property may be brought, and to make further provision as to cases in which Absentees may be parties."

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Bill relating to
Deeds creating
Debts to the
Crown.

Mr. Armstrong reported the Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time to-morrow.

Navigation
Act.

The Order of the day for the House in Committee for the purpose of taking into consideration certain Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

Joint Stock
Road Compa-
nies Bill,
(U.C.).

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," and to extend the provisions thereof, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Christie, The House adjourned.

APPENDIX: 23 JUNE 1851.

[NOTICE OF MOTION RE: RETURN FOR THE GREAT WESTERN RAILWAY COMPANY.]¹⁸⁴

MR. MACKENZIE gave notice of a motion directing the Clerk of the House to request the Great Western Railway Company to furnish a return, showing the condition of that company, financial and otherwise, including the moneys paid to Sir Allan MacNab and others, acting as agents.¹⁸⁵

[NOTICE OF MOTION RE: PATENT OFFICE.]¹⁸⁶

MR. MACKENZIE ... gave notice of the introduction of a bill for the establishment of a Patent office in connection with the Provincial Secretaryship¹⁸⁷.

[NOTICE OF MOTION RE: READING OF VOTES.]¹⁸⁸

MR. MACKENZIE gave notice ... of a bill providing for the reading of the votes of members of the Legislature, on the final passage of any bill.¹⁸⁹

FOOTNOTES: 23 JUNE 1851.

1. The following papers reported this speech in identical accounts: GLOBE, 24 June 1851, and NORTH AMERICAN (Weekly), 27 June 1851.
2. NORTH AMERICAN (Weekly), 27 June 1851.
3. The following papers reported this comment in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
4. NORTH AMERICAN (Weekly), 27 June 1851.
5. The following papers reported the debate on this matter in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851. The debate was also reported by: BRITISH COLONIST, 24 June 1851; and EXAMINER, 25 June 1851.
6. NORTH AMERICAN (Weekly), 27 June 1851.
7. BRITISH COLONIST, 24 June 1851.
8. NORTH AMERICAN (Weekly), 27 June 1851.
9. IBID.
10. BRITISH COLONIST, 24 June 1851.
11. EXAMINER, 25 June 1851.
12. NORTH AMERICAN (Weekly), 27 June 1851.
13. The following papers reported the debate on this matter in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, and PILOT, 28 June 1851. The debate was also reported by BRITISH COLONIST, 24 June 1851.
14. NORTH AMERICAN (Weekly), 27 June 1851.
15. IBID.
16. BRITISH COLONIST, 24 June 1851.
17. NORTH AMERICAN (Weekly), 27 June 1851.
18. BRITISH COLONIST, 24 June 1851.
19. NORTH AMERICAN (Weekly), 27 June 1851.
20. BRITISH COLONIST, 24 June 1851.
21. NORTH AMERICAN (Weekly), 27 June 1851.
22. IBID.
23. BRITISH COLONIST, 24 June 1851.
24. NORTH AMERICAN (Weekly), 27 June 1851.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 25 June 1851, MORNING CHRONICLE, 25 June 1851, PILOT, 28 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, LA MINERVE, 27 June 1851; GLOBE, 26 June 1851, PILOT, 1 July 1851, and OTTAWA CITIZEN, 5 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 24 June 1851, and NORTH AMERICAN (Weekly), 27 June 1851. The debate was also reported by: EXAMINER, 25 June 1851; BRITISH COLONIST, 27 June 1851; MONTREAL GAZETTE, 27 June 1851; MONTREAL TRANSCRIPT, 1 July 1851, copied from TORONTO PATRIOT, of unknown date; BATHURST COURIER, 1 July 1851, copied from GLOBE, 24 June 1851; JOURNAL DE QUEBEC, 28 June 1851; and LA MINERVE, 1 July 1851. A commentary appeared in BRITISH COLONIST, 27 June 1851.
30. BRITISH COLONIST, 24 June 1851. According to BATHURST COURIER, 1 July 1851, Mr. Price spoke for one and a half hours.
31. BATHURST COURIER, 1 July 1851.
32. MONTREAL GAZETTE, 27 June 1851.

33. PILOT, 1 July 1851.
34. BRITISH COLONIST, 24 June 1851.
35. PILOT, 1 July 1851.
36. MONTREAL GAZETTE, 27 June 1851.
37. BRITISH COLONIST, 24 June 1851.
38. IBID.
39. PILOT, 1 July 1851.
40. BRITISH COLONIST, 24 June 1851.
41. PILOT, 1 July 1851.
42. BRITISH COLONIST, 24 June 1851.
43. PILOT, 1 July 1851.
44. BRITISH COLONIST, 24 June 1851.
45. PILOT, 1 July 1851.
46. BRITISH COLONIST, 24 June 1851.
47. PILOT, 1 July 1851.
48. BRITISH COLONIST, 24 June 1851.
49. PILOT, 1 July 1851.
50. BRITISH COLONIST, 24 June 1851.
51. PILOT, 1 July 1851.
52. BRITISH COLONIST, 24 June 1851.
53. PILOT, 1 July 1851.
54. BRITISH COLONIST, 24 June 1851.
55. PILOT, 1 July 1851.
56. IBID.
57. IBID.
58. BRITISH COLONIST, 24 June 1851.
59. PILOT, 1 July 1851.
60. BRITISH COLONIST, 24 June 1851.
61. PILOT, 1 July 1851.
62. IBID.
63. IBID.
64. BRITISH COLONIST, 24 June 1851.
65. IBID.
66. PILOT, 1 July 1851.
67. BRITISH COLONIST, 24 June 1851.
68. PILOT, 1 July 1851.
69. BRITISH COLONIST, 24 June 1851.
70. PILOT, 1 July 1851.
71. MONTREAL GAZETTE, 27 June 1851.
72. IBID.
73. PILOT, 1 July 1851.
74. MONTREAL GAZETTE, 27 June 1851.
75. PILOT, 1 July 1851.
76. BRITISH COLONIST, 24 June 1851.
77. PILOT, 1 July 1851.
78. IBID.
79. IBID.
80. BRITISH COLONIST, 24 June 1851.
81. PILOT, 1 July 1851.
82. BRITISH COLONIST, 24 June 1851.
83. PILOT, 1 July 1851.
84. BRITISH COLONIST, 24 June 1851.
85. PILOT, 1 July 1851.
86. BRITISH COLONIST, 24 June 1851.
87. PILOT, 1 July 1851.
88. BRITISH COLONIST, 24 June 1851.

89. PILOT, 1 July 1851.
90. BRITISH COLONIST, 24 June 1851.
91. PILOT, 1 July 1851.
92. BRITISH COLONIST, 24 June 1851.
93. PILOT, 1 July 1851.
94. BRITISH COLONIST, 24 June 1851.
95. PILOT, 1 July 1851.
96. BRITISH COLONIST, 24 June 1851.
97. PILOT, 1 July 1851.
98. IBID.
99. BRITISH COLONIST, 24 June 1851.
100. PILOT, 1 July 1851.
101. BRITISH COLONIST, 24 June 1851.
102. PILOT, 1 July 1851.
103. GLOBE, 26 June 1851.
104. BRITISH COLONIST, 24 June 1851.
105. PILOT, 1 July 1851.
106. BRITISH COLONIST, 24 June 1851.
107. PILOT, 1 July 1851.
108. BRITISH COLONIST, 24 June 1851.
109. PILOT, 1 July 1851.
110. BRITISH COLONIST, 24 June 1851.
111. PILOT, 1 July 1851.
112. BRITISH COLONIST, 24 June 1851.
113. PILOT, 1 July 1851.
114. BRITISH COLONIST, 24 June 1851.
115. IBID.
116. PILOT, 1 July 1851.
117. BRITISH COLONIST, 24 June 1851.
118. PILOT, 1 July 1851.
119. BRITISH COLONIST, 24 June 1851.
120. PILOT, 1 July 1851.
121. BRITISH COLONIST, 24 June 1851.
122. PILOT, 1 July 1851.
123. MONTREAL GAZETTE, 27 June 1851.
124. IBID.
125. PILOT, 1 July 1851.
126. BRITISH COLONIST, 24 June 1851.
127. IBID.
128. PILOT, 1 July 1851.
129. BRITISH COLONIST, 24 June 1851.
130. PILOT, 1 July 1851.
131. BRITISH COLONIST, 24 June 1851.
132. PILOT, 1 July 1851.
133. BRITISH COLONIST, 24 June 1851.
134. PILOT, 1 July 1851.
135. MONTREAL GAZETTE, 27 June 1851.
136. BRITISH COLONIST, 24 June 1851.
137. PILOT, 1 July 1851.
138. BRITISH COLONIST, 24 June 1851.
139. PILOT, 1 July 1851.
140. BRITISH COLONIST, 24 June 1851.
141. PILOT, 1 July 1851.
142. BRITISH COLONIST, 24 June 1851.

143. PILOT, 1 July 1851.
144. IBID.
145. MONTREAL TRANSCRIPT, 1 July 1851.
146. PILOT, 1 July 1851.
147. MONTREAL TRANSCRIPT, 1 July 1851.
148. PILOT, 1 July 1851.
149. MONTREAL TRANSCRIPT, 1 July 1851.
150. PILOT, 1 July 1851.
151. MONTREAL TRANSCRIPT, 1 July 1851.
152. BRITISH COLONIST, 24 June 1851.
153. MONTREAL TRANSCRIPT, 1 July 1851.
154. BRITISH COLONIST, 24 June 1851.
155. PILOT, 1 July 1851.
156. BRITISH COLONIST, 24 June 1851.
157. PILOT, 1 July 1851.
158. BRITISH COLONIST, 24 June 1851.
159. PILOT, 1 July 1851.
160. IBID.
161. IBID.
162. BRITISH COLONIST, 24 June 1851.
163. PILOT, 1 July 1851.
164. BRITISH COLONIST, 24 June 1851.
165. PILOT, 1 July 1851.
166. BRITISH COLONIST, 24 June 1851.
167. PILOT, 1 July 1851.
168. BRITISH COLONIST, 24 June 1851.
169. PILOT, 1 July 1851.
170. BRITISH COLONIST, 24 June 1851.
171. PILOT, 1 July 1851.
172. BRITISH COLONIST, 24 June 1851.
173. PILOT, 1 July 1851.
174. BRITISH COLONIST, 24 June 1851.
175. PILOT, 1 July 1851.
176. BRITISH COLONIST, 24 June 1851.
177. PILOT, 1 July 1851.
178. IBID.
179. BRITISH COLONIST, 24 June 1851.
180. PILOT, 1 July 1851.
181. BRITISH COLONIST, 24 June 1851.
182. PILOT, 1 July 1851.
183. IBID.
184. The following papers reported the debate on this matter in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, PILOT 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
185. NORTH AMERICAN (Weekly), 27 June 1851.
186. The following papers reported the debate on this matter in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
187. NORTH AMERICAN (Weekly), 27 June 1851.
188. The following papers reported the debate on this matter in identical accounts: GLOBE, 24 June 1851, NORTH AMERICAN (Weekly), 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
189. NORTH AMERICAN (Weekly), 27 June 1851.

TUESDAY, 24 JUNE 1851.

(107)

Canada Life
Assurance
Company.

MR. Speaker laid before the House, a Statement of the Affairs of the Canada Life Assurance Company, on the 30th April, 1850.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Armstrong,--The Petition of F.R. Tranchemontagne and others, Trustees of the Berthier Academy; and the Petition of J.E. Faribault, Esquire, and others, of the Village of L'Assomption, County of Leinster.

By Mr. Richards,--The Petition of Palmer Lee, Esquire, and others, of Upper Canada.

By Mr. Bell,--The Petition of the Municipal Council of the United Counties of Lanark and Renfrew; the Petition of Thomas L. Russell and others, of Merrickville and its vicinity, in the United Counties of Leeds and Grenville; the Petition of John Hall and others, of the County Town of Peterborough; and the Petition of the Municipal Council of the County of Peterborough.

By Mr. Chauveau,--The Petition of Pierre Dorion, Esquire, and others, of the Parish of St. Charles de Charlesbourg, County of Quebec.

By the Honorable Mr. Badgley,--The Petition of the Montreal and Lachine Railroad Company.

By Mr. Scott of Bytown,--The Petition of the Bytown and Prescott Railway Company.

By Mr. Letellier,--The Petition of P. Garon, Esquire, and others, of the County of Kamouraska; and the Petition of Charles Tétu, Esquire, and others, of the County of Kamouraska.

By the Honorable Mr. Chabot,--The Petition of the President and Directors of the Quebec Bank; and the Petition of the Directresses of the Charitable Association of Catholic Ladies of Quebec.

By Mr. Fournier,--The Petition of P.A. de Gaspé, Esquire, and others, of the Parish of St. Jean Port Joli.

By the Honorable Mr. Macdonald,--The Petition of Francis M. Hill, Esquire, and others.

By Mr. Lacoste,--The Petition of Joseph Charland and others, of the County of Rouville.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Presentation of
Joint Addresses.

Mr. Speaker,

The Legislative Council agrees to the Conference desired by this House, for the purpose of communicating to their Honors a Copy of the Report of the Select Committee to which were referred the Reasons of the Legislative Council delivered at the Conference held on Thursday the 12th instant, relative to the Message of their Honors of the 4th instant, respecting the Joint Address of both Houses on the subject of Duties on Foreign Timber, and also the Reasons communicated from this House to their Honors at the former Conference on the same subject, with an Instruction to search for precedents, and report their opinions to the Legislative Assembly; and acquaints this House that the Managers on the part of their Honors are to be the Honorable Messieurs Knowlton and Ross, who are to meet the number of Managers on the part of this House required by Parliamentary usage, presently, in the

Committee Room of the Legislative Council.

And then he withdrew.

Presentation of
Joint Addresses.

Resolved, That four Managers be appointed to meet the
Managers appointed by the Honorable the Legislative
Council, at the time and place appointed for the

holding of the Conference desired by this House for the purpose of communicating to their Honors a Copy of the Report of the Select Committee to which were referred the Reasons of the Legislative Council delivered at the Conference held on Thursday, the 12th instant, relative to the Message of this House of the 4th instant, respecting the Joint Address of both Houses on the subject of Duties

(108)

on Foreign Timber, and also the Reasons communicated from this House to the Legislative Council at the former Conference on the same subject, with an Instruction to search for precedents, and report their opinions to the Legislative Assembly.

Ordered, That the Honorable Mr. Boulton, the Honorable Mr. Sherwood, the Honorable Mr. Attorney General Baldwin and Sir Allan N. MacNab be appointed Managers on the part of this House.

Then the Managers went to the Conference; and being returned:--

The Honorable Mr. Boulton reported, That the Managers had been at the Conference, and had delivered to their Honors a Copy of the said Report of the Select Committee.

MR. MACDONALD¹ of Kingston, moved to refer the petition of Mr. Smith, late Warden of the penitentiary, to a select committee.²

MR. AT. GEN. BALDWIN opposed the motion.³ The Penitentiary Commissioners had had a very arduous duty to perform, and doubted the propriety of subjecting their award to another tribunal, such as a Parliamentary Committee⁴, and he believed them incapable of discharging their duties improperly.⁵ Besides, there is another point of view in which this should be considered--it was a part of the Prerogative of the Crown to dismiss certain of its servants on its mere will of course, that was not done unless for some good reason, and it was evidently convenient that the Crown should have the assistance of Commissioners like that now in question, in order that it might make up its mind how to act.⁶ Commissioners of this kind were appointed to assist the Crown in important cases, previous to the exercise of the prerogative; to inquire into the efficiency or inefficiency of a public servant, previous to his dismissal by the Crown. At the head of the Commission was a man of unquestionable honor, who would not in any case be a party to doing Mr. Smith an injustice.⁷ But it did not follow that these investigations were to be conducted exactly in the manner of evidence taken before a Court of Justice. Indeed it would be evident by looking at the Report that this would have been impossible. The matter was altogether a question of opinion. No one could now say that the Commissioners did quite right or quite wrong in that particular. These things must be left to the discretion of the Commissioners, or if not they were not fit to be appointed.⁸

MR. MACDONALD said that he was surprised at the opposition now offered. The Inspector General had looked over the committee with him, and as he understood had assented to his proposition. Indeed last session it was clearly understood that the Committee should be granted, the only objection made at that time was, that the Session was too far advanced for such an enquiry. Now it was said that the report was⁹ so voluminous, so overloaded with facts and evidence ... that it was impossible to investigate them,¹⁰ but was that any reason why Mr. Smith should be ruined without appeal, merely because the charges were so numerous and heavy, as to accuse him of every thing short of

murder? (Hear.) In this case it must be presumed that the opposition of inquiry was now made by the Commissioners.¹¹ The Executive Officer of the Commission, Mr. George Brown, had, previous to his appointment, prejudged the case and condemned Mr. Smith in the Globe, of which he is editor, and was therefore unfit to be a judge.¹² In support of this view, he read extracts from the Globe¹³, on a debate that took place on the subject of the Commission, last session;¹⁴ accusing him (Mr. MacDonald) of calumnious statements in the House, last session; hotly attacking the Ministry for not defending the Commissioners, but putting off inquiry on the ground of the late period of the session; and finally declaring that there must be a most searching inquiry,¹⁵ that he would on the first day of the next (present) session, move to have the whole conduct of the Commission enquired into; ... another of the Commissioners was desirous of an enquiry, and that the editor of the Globe as a third, demanded an investigation. As yet, said Mr. Macdonald, the Government refused inquiry.¹⁶ He thought the Ministry had not, in the first instance, been actuated by enmity to Mr. Smith; but from their cowardly fear of George Brown, who had so completely bullied them, they were ready to inflict upon Mr. H. Smith the most grinding injustice. The charges that Mr. Smith brought forward against the Commissioners, were that the evidence had been not only garbled, but actually taken down falsely--and yet there was to be no appeal. He had been accused of the meanest speculation and the vilest cruelty; and on these charges he was indicted in a document of three hundred pages. But the investigation was carried on¹⁷ as a Star Chamber, with closed doors;¹⁸ and no counsel were permitted to a man, not a lawyer, who had to answer categorically to all these questions urged against him.¹⁹ It was in this way that Mr. Smith was tried for felony, and innumerable crimes, and condemned, secretly, without assistance; the evidence being garbled and falsified.²⁰ Did the Government approve of this denial of counsel?²¹ the right of every man where British law prevails.²² No--and when the subject was brought before Parliament at Montreal, the only objection then made was that the inquiry was only a preliminary one. Last year he was strongly impressed with the necessity of not prejudging the case against Mr. Smith. He therefore handed to the Inspector General the petition of Mr. Smith, with annotations, containing the names of the witnesses by whom he proposed to prove every one of its allegations. The Government however, after getting the report, sent it to Mr. Smith for his objections to it. At that time, he (Mr. Macdonald) had applied to have it printed; but this application had been refused because it was said the learned Attorney General East had undertaken to go through it, and make an analysis of it. That however, like all other promises had never been kept. He then read from the Pilot an article²³, written by one of the Commissioners, Mr. Bristow,²⁴ accusing the ministry of ignorance in this matter, and declaring that the matter could not rest where it was--on the contrary, that the ministry must insist that Mr. Macdonald should prosecute the inquiry²⁵, and expressing pleasure that Mr. Baldwin had promised an inquiry this Session. Mr. Smith, continued Mr. Macdonald, had been handed through the whole country as a thief, a robber and an oppressor; condemned by a government commission, on whose report the Government had refused to pronounce any opinion as to its justice or injustice, contenting themselves with remarking that the penitentiary had not flourished under his management.²⁶ Mr. Smith's allegations were these, that no counsel were admitted to defend him, that²⁷ the evidence of every unhangd scoundrel about the Penitentiary had been taken against him, including seven discharged servants²⁸, discharged convicts²⁹, and ten actual convicts,³⁰ while evidence read over by Geo. Brown, according to the statements of most respectable witnesses which they were ready to certify on oath, was taken down wrong, and when the witnesses had demanded to have it altered, it was read again as if the alterations had been made,

though, in fact, it [sic] had not been made. Mr. Smith further said, that of those who had given evidence against the Warden, most had been pardoned when they were convicts, or reinstated when they were discharged servants. On the other hand, all the servants who had given evidence in favour of Mr. Smith were discharged. One of these latter was named Manuel, who had on one occasion to give testimony in the case of one McCarthy. When that person went into Court he was met by Mr. George Brown, and asked what he did there? He replied, that he came to give evidence. Then, said Brown, you are discharged. That case came under his knowledge. In a similar spirit, the Commissioners had turned the Warden out of his house in an inclement season, in order that he might be exhibited to the witnesses as a ruined man. And now what was proposed? Why, after these men, the hired servants of the Government living on Government pay, had gone to the Penitentiary to turn Mr. Smith out of his post, these very same men were to be placed in the post of Inspectors under the new Act.³¹

MR. RICHARDS said the hon. gentleman with all his eloquence, had omitted to state one important fact, viz: that formerly the expenses of the Penitentiary under the old system were £16,000, while in consequence of the investigation of the Commissioners, they were reduced to £5000.³²

This, MR. H. SMITH said, was easily accounted for, as formerly some building was going on in the Penitentiary, while now there was none.³³

MR. RICHARDS [continued:] He believed the thanks of the community were due to the Commissioners, and that they were accorded to them. He then censured the hon. member for the unwarrantable manner in which he had spoken of Messrs. Brown and Bristow, whom he defended. It was not to be expected that Mr. Smith should be satisfied with an investigation that resulted in his dismissal. He (Mr. R.) thought the facts brought out sufficient justification of the course taken³⁴, because the commissioners had called for an enquiry into their own conduct, was no reason why the House should grant it.³⁵

MR. H. SHERWOOD said the hon. member had defended the Commissioners in accordance with the instructions he had received, while the government sat still and had not a single word to say for themselves. He had made a poor defence. If the Commissioners had saved the country a hundred thousand pounds, what was that put in the scale against such charges as those brought forward by his honourable friend? What was that sum put in the scale against a simple act of justice? It would have been far better to adopt the spirit of the Commissioners themselves, and to demand an enquiry. Had the Commissioners repented of this desire which they formally entertained for investigation? If not, why not grant what was desired?³⁶

MR. AT. GEN. BALDWIN asked where were the petitions from these persons?³⁷

MR. H. SHERWOOD--Would the hon. Attorney General (West) pretend to say that the Pilot and the Globe did not express the opinions on this subject, of Messrs. Brown and Bristow?³⁸

MR. AT. GEN. BALDWIN had never yet heard of a Government acting on the authority of anonymous articles in the newspapers.³⁹

Not quite so fast, rejoined MR. H. SHERWOOD.⁴⁰ A public officer in L.C. is discharged on "public rumours" disseminated through the newspapers. Like the announcement of the lawyer to the farmer--circumstances altered cases. He then read from the Kingston Herald, a ministerial paper, an account of the discharge from the Penitentiary of one Cosgrove, an Irish Catholic, which circumstance, according to the Herald, was the cause of his misfortune.⁴¹

MR. AT. GEN. LAFONTAINE after ridiculing the manner in which Mr. Sherwood

had based his argument on newspaper articles,⁴² said the Commission did not constitute a judicial [sic] tribunal; they did not try him, but only took preliminary evidence, after reading the whole of which, he (Mr. L.) was sorry to feel himself obliged to advise the head of the Government to remove him.⁴³ [He] declared that there was no advice, which he ever gave to the Head of the Government, that had occasioned him more pain ... and this because he had entertained for that gentleman a particular esteem and friendship. He then defended the moral character of the commissioners, especially that of Mr. Bristow, with whom he had a personal acquaintance. Was it not natural, however, that men attacked as they had been, should ask for further inquiry: was it, therefore, proper, that this investigation should be granted, if the House was of opinion that on the whole the decision was correct?⁴⁴

MR. H. SHERWOOD replied that it would be well if the learned Attorney General (East) would read newspapers or something else, for then he might give the House some farther information than he had done during the last two sessions.⁴⁵

MR. M. CAMERON remarked, on the pain the ministry were alleged to have felt at discharging Mr. Smith, that the heaviest charge against the Commissioners was, that the Secretary had garbled the evidence taken. Now, if that were so, how could any one judge of the propriety of the Warden's discharge?⁴⁶

MR. FERGUSSON was not authorized to speak the feelings of the commissioners, but he thought they must feel in this way--that they would not shun inquiry; and on the other hand would not wish the House rashly to demand it.⁴⁷ He thought the House was the best judge whether it should be granted or not.⁴⁸ He could only hope, however, that if there were an inquiry it would be a full and fair one.⁴⁹ As to the reference which had been made to a pledge of an hon. member of the other House,⁵⁰ a near relative of his own,⁵¹ that he would bring the whole question before that body, he believed that what that hon. gentleman had promised, was⁵² merely a motion for⁵³ the correspondence between the Government and the Commissioners.⁵⁴ That was of little consequence, and he only mentioned it in order to say that the hon. member of the House in question, was unavoidably absent being 3000 miles from Canada.⁵⁵

MR. H. SMITH thanked the hon. Attorney General East for the complimentary maner [sic] in which he spoke of the late Warden, and then went on to declare that not only did the Commissioners inquire into the management of the Penitentiary, but had gone into a most impertinent inquiry into his (Mr. Smith's) private affairs. He should mention only two circumstances in this connection. One was, that while he was giving his evidence Mr. Brown asked how he became possessed of the house in which he lived, how much it had cost, and whether any of the money had remained due? The other was, that a charge having been made against the late Warden of promoting the passage of the present Penitentiary Act, he (the Warden) showed that that Act had been drafted by him (Mr. Smith) whereupon Mr. Brown asked if he were in the House when the bill passed, and if so, why he had not voted against it? It was true the other Commissioners decided that this was a very improper question. The greatest complaint, however, of the Warden against the Commissioners was, that all these 300 pages of evidence were taken behind his back without a chance being afforded for cross examination. Now, as to the economy spoken of by Mr. Richards he would make this observation. Formerly great works had been carried on within the Penitentiary, but these works had been stopped, the labour of the convicts hired out, and the receipts applied to the institution. Yet, notwithstanding all this, ministers came down and asked for £7500, with £2500 more for last year. He asked what was done with the money received from the contractors?

The fact was that the contractors always had a bill against the institution which covered their debt for labour. Then as to the motives of the Commissioners in accepting the appointment, was it not well known that £3000 had gone into their pockets? It was absurd to talk of their unwillingness to accept £2 a day.⁵⁶

MR. MORRISON defended Mr. Brown from the charge of moral delinquency.⁵⁷

MR. MACDONALD [made] ... some remarks ... in reply.⁵⁸

MR. MACKENZIE mentioned several instances furnished by history of cases in which the prison had closely followed the palace. This should make legislators cautious how they gave too much power to one man. These considerations made him reflect deeply on the horror of the prison. When, therefore he read the report of the Commissioners in New York, it made a deep impression on his mind, which had been strengthened by what he had since heard from his own friends in this country. He should therefore vote against the motion.⁵⁹

MR. INSP. GEN. HINCKS replying to Mr. Smith, stated that the Commissioners asked about his house, because it had been given to that gentleman by a man who gave it to get a place in the Penitentiary. As to convicts alleged to have been examined, and especially to those said to have been examined without Mr. Smith having an opportunity to hear them, or to cross-examine them, in consequence of their leaving the Province shortly after they were examined, the fact was, that such evidence, though taken, was not made use of. Again, it was complained that Mr. Smith had been discharged in order to show that he was a disgraced man, against whom evidence might be safely given, but the fact was that during the early part of the inquiry Mr. Smith was in office, and several officers had been discharged because they gave evidence against him.⁶⁰

MR. H. SMITH--Name one.⁶¹

After some turning over the leaves of the report, MR. INSP. GEN. HINCKS confessed he could not find the name of any officer discharged under the circumstances he had alluded to, and excused himself on the ground that he could not be so perfect in the knowledge of the contents of the report, as the hon. gentleman having a local interest in it. He concluded by admitting there was reason for the opinion which had been entertained last session, that ministers would not oppose the reference this session. Nor had he till that day felt certain that government would oppose it at the same time there was no pledge.⁶²

(108)

Petition of
H. Smith.

The Honorable Mr. Macdonald moved, seconded by the Honorable Mr. Sherwood, and the Question being put, That the Petition of Henry Smith, Esquire, late Warden of the Provincial Penitentiary of Canada, complaining of the manner in which the investigation of charges preferred against him was conducted by the Commissioners appointed for that purpose, and also of the suspension and final removal from the said Office, and praying relief in the premises, be referred to a Select Committee, composed of Mr. Wilson, Mr. Chauveau, Mr. Smith of Durham, Mr. Christie, and the Honorable Mr. Badgley, to examine the contents thereof, and to report thereon from time to time; with power to send for persons, papers, and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Crysler, Dickson, Hopkins, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Robinson, Sanborn, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(22.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fournier, Fourquin, Gagy, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Mackenzie, Morrison, Price, Richards, Ross, Smith of WENTWORTH, and Taché.---(29.)

So it passed in the Negative.

School Houses,
(L.C.).

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to two Addresses to His Excellency the Governor General, --Return to two Addresses of the Legislative Assembly, dated respectively the 3rd August, 1850, and 9th June, 1851, praying for a Return of all monies advanced by the Superintendent of Education, Lower Canada, in aid of the building and repairs of School Houses in the different Municipalities, with the accounts of how the said monies have been expended, and in whose names the titles of the land are held upon which such School Houses are erected.

Appendix (X.)

For the said Return, see Appendix (X.)

Message from
His Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Estimates for
1851.

ELGIN and KINCARDINE,

The Governor General transmits to the Legislative Assembly, a Statement of the probable Revenue and Expenditure of the Province during the year ending 31st December, 1851, together with Estimates of the sums required for the service of the same year; and in conformity with the provisions of the fifty-seventh Clause of the Union Act, he recommends these Estimates to the House of Assembly.

Government House,
Toronto, 23rd June, 1851.

Appendix (B.)

For the Statement and Estimates accompanying the said Message, see Appendix (B.)

Petitions
referred.

Ordered, That the Petition of the Municipality of the Township of Drummond; the Petition of the Municipality of the Town of Perth; the Petition of the Municipal Council of the United Townships of Bathurst and South Sherbrooke; the Petition of J.W. Anderson and others, Municipal Councillors of the United Townships of Lanark and Darling; and the Petition of the Municipality of the Township of Burgess, be referred to the Standing Committee on Railroads and Telegraph Lines.

Kingston Water
Works Act Amend-
ment Bill.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to amend the Act, intituled, "An Act to incorporate the City of Kingston Water Works Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Enregistration
of Titles, (L.C.)
Bill.

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend the Ordinance to regulate the Enregistration of Titles in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Bill for recording Votes of Members on final passage of Bills.

Ordered, That Mr. Mackenzie have leave to bring in a Bill for taking and recording the Votes of Members of the Legislature on the final passage of Bills.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Action of Ejectment Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to alter and settle the mode of proceeding in the Action of Ejectment.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Badgley,

Private Bills.

Resolved, That Wednesday in each week be set apart, after the Routine Business has been gone through with, to dispose of Private Bills appointed for a second reading, which are intended to be referred to the Standing Committee on Miscellaneous Private Bills, to the Standing Committee on Railroads and Telegraph Lines, or to a Committee of the whole House, when a reference to a Select or Standing Committee is not required by the Rules of the House: the said Bills to be taken up in the order in which they stand on the List of the Orders of the day.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Hincks,

(109)

Legislative Council.

Ordered, That the Order made upon Wednesday last, for presenting an humble Address to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a copy of any Despatches which may have passed between the Imperial Government, and that of this Province, on the subject of the expediency of rendering the Legislative Council of the Province of Canada elective, be now read.

And the same being read;

Ordered, That the said Order be discharged.

Jury Laws (L.C.) Amendment Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the Jury Laws in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Bill relating to Deeds creating Debts to the Crown.

An engrossed Bill to compel the Registration of Deeds and Instruments creating Debts to the Crown, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron of Cornwall do carry the Bill to the Legislative Council, and desire their concurrence.

Quebec Turn-
pike Roads
Ordinance.

Mr. Richards, from the Committee to consider the expediency of extending the provisions of the Ordinance passed in the fourth year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose," to certain other Roads, and of authorizing the Trustees to raise a further Loan, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to extend the provisions of the Ordinance passed in the fourth year of Her Majesty's Reign, intituled, "An Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose," to certain other Roads and part of Roads in the vicinity of Quebec, that is to say: to the Road extending from the distance of one mile and a half from the Church of Charlesbourg towards the Village of St. Pierre, and to the land of one François Lafrance, and from thence into two directions, that is to say: two miles in the direction of Lake Beauport, and four miles in the direction of Stoneham.

2. Resolved, That for the above purpose, and for the completion of the Roads now under the management of the Quebec Turnpike Trust, it is expedient to authorize the Trustees of the said Quebec Turnpike Trust to raise a further Loan, not exceeding Fifteen thousand pounds, currency, on the security of the tolls and other monies which may come into their hands, and to give a preference and priority of lien on the said tolls and monies to the interest on the said Loan over the interest on all Loans already raised by the said Trustees upon the guarantee of this Province, as well as over the claims of Her Majesty's Government for re-payment of advances made to the said Trustees by the Receiver General out of the Provincial Funds.

The said Resolutions, being read a second time, were agreed to.

Quebec Turn-
pike Roads
Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to authorize the Quebec Turnpike Road Trustees to effect a new Loan, and to extend the provisions of the Quebec Turnpike Road Ordinance to

certain other Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Supply.

The Order of the day for the House to resolve itself into a Committee to consider of the Motion made, on Wednesday last, That a Supply be granted to Her Majesty, being read;

The House accordingly resolved itself into the said Committee.

The Honorable Mr. LaTerrière took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. LaTerrière reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Land Surveyors
Act Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Land Surveyors' Act, being read;⁶³

MR. COM. CR. LANDS PRICE moved the second reading of the bill to amend the

Surveyor's Act. He explained that the object was to establish two boards, one to be here, and one at Quebec.⁶⁴

MR. AT. GEN. BALDWIN seconded the motion⁶⁵.

(109)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Territorial
Divisions
Bill (U.C.).

The Order of the Day for the House in Committee on the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;

The House accordingly resolved itself into the said Committee.

*Mr. Fortier took the Chair of the Committee;*⁶⁶

COL. PRINCE objected to the clause fixing the sites of County Towns. He contended that the choice being left to the Reeves, might lead to the fixing of County Towns in very inconvenient places. He would move an amendment to the effect that the choice of the County Town should be left to the Governor in Council.⁶⁷

MR. INSP. GEN. HINCKS said the subject was one of difficulty; but he thought the sense of the House last session was in favour of leaving the county towns to the Reeves.⁶⁸

MR. ROBINSON contended the country was in favor of leaving the county towns to be selected in the manner indicated by the bill. He hoped the Government would not allow one system to prevail in one part of the country, and, another in another. He trusted the Government would not consent to the amendment his hon. friend proposed to make. He read from a petition of the County of York in support of this view.⁶⁹

MR. FERGUSSON trusted that no change would be made in the bill in this respect.⁷⁰

MR. H. SHERWOOD believed that the feeling of the County of York was in favour of allowing the choice to be left to the rate-payers; and made some remarks in support of the reasonableness of this view. The selection [was] to take place in January next, when they elected their representatives. He censured the proposition of Col. Prince, to leave the choice to the Government. The people would prefer that the matter should remain as it is.⁷¹

MR. INSP. GEN. HINCKS said that to show how much the County of York undertook to school the House upon, they stated that the bill would necessarily cause increased taxation. Now he (Mr. H.) asserted the contrary. They did not understand the bill at all; they had no comprehension of the matter.⁷²

MR. H. SHERWOOD said the hon. member would likely find out whether they understood the matter or not. It was all fair to say they were mistaken, but it was insulting to take up their petition and say it was nonsense--so much waste paper, and that they did not understand the matter.⁷³

MR. COM. CR. LANDS PRICE said the hon. member had changed his mind since the other evening. He went on to reply to the attacks made upon him, that the proposal of the Government was made for his own and Mr. Baldwin's advantage. He made some remarks in support of the Government plan with regard to the County of York.⁷⁴

MR. MERRITT asked what was the question before the chair? It had not as he understood the matter any reference to the speech of the hon. member.⁷⁵

COL. PRINCE said these kind of discussions must take place, and it was as well that members should then make their views known. He was against the principle of having very large counties, and he was in favour of the separation of the County of York.⁷⁶

MR. H. SHERWOOD denied that he had changed his mind, as stated by Mr. Price. He saw no good reason why the County of York should not return members by Ridings as heretofore; and reiterated his arguments of the other evening relative to the design of the Government in the new mode of electing members.⁷⁷

MR. INSP. GEN. HINCKS said that seven or eight members had addressed the House while there was a question before the chair. He would move an amendment. He went on to reply to the debate, and said it was admitted by the hon. member that ten townships should be taken off for Ontario; and he said he had no very strong feeling in the matter, if there should be an east and west Riding, or whether there should be only one large metropolitan county. But as the system of ridings was abandoned, he thought it better that they should be allowed to go altogether; and he would move the amendment he proposed the other evening to the 13th clause, to the effect that all the counties should return one member with the exception of the County of York, which should return two.⁷⁸

MR. H. BOULTON objected to the proposed change, with regard to the Township of Pickering.⁷⁹

MR. INSP. GEN. HINCKS said, nothing could be done unless members would stick to the question. They had nothing to do with the Township of Pickering.⁸⁰

MR. H. BOULTON said they had incidentally.⁸¹

MR. ROBINSON trusted the Government would not cut up the County of York into more than two counties--the County of York and the County of Ontario. There would be no difficulty in adjusting the representation.⁸²

The discussion took the form of a desultory conversation, impossible to report for the most part.⁸³

MR. MACKENZIE made a speech of some length, contending that the bill was a cruel mockery; and that the adjusting of representation under it was unjust. He enlarged upon the general principle of representation. He read over the population and the number of acres of the different counties proposed by the bill, and asked what reason there was in giving 60,000 people and a proportionate number of acres 1 member, and 1,000 people, and a proportionate number of acres also, 1 member. Such an apportionment was unjust and absurd.⁸⁴

MR. INSP. GEN. HINCKS contended against the mixing up of the question of the representation with a topic which had nothing to do with that matter. The question now came up on this simple point--whether there should be two members for one county.⁸⁵

MR. MACKENZIE asked if this bill was not altering the representation, what it was intended to do.⁸⁶

MR. INSP. GEN. HINCKS continued; that was not the main motion of the bill.⁸⁷
Some farther conversation [ensued].⁸⁸

(109)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fortier reported That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Lyon, seconded by the Honorable Mr. Cayley,
The House adjourned.

APPENDIX: 24 JUNE 1851.

[NOTICE OF MOTION RE: MIDDLESEX COUNTY COUNCIL.]⁸⁹

[A notice was given] with relation to the Middlesex County Council.⁹⁰

[NOTICE OF MOTION RE: NEWSPAPERS IN UPPER CANADA.]⁹¹

MR. GUGY [gave notice of a motion] relative to newspapers in Upper Canada⁹².

[NOTICE OF MOTION RE: REFERRING BILL TO VACATE SEATS OF
MEMBERS GUILTY OF TREASON.]⁹³

MR. MACKENZIE gave notice of a motion, to refer to the committee on the Bill to vacate the seats of members⁹⁴ guilty of treason, the dying words of Samuel Lount, Esq.,⁹⁵ containing his declaration, as to who had or who had not been guilty of treason, and would in consequence, be incapacitated as incompetent to hold any office of trust.⁹⁶

[NOTICE OF QUESTION RE: OFFERS OF POSITIONS TO SIR A. MACNAB.]⁹⁷

MR. CHRISTIE gave notice of questions relative to⁹⁸ whether the office of Chairman of the Railway Committee, or any office of a similar nature has been offered to Sir A. N. MacNab by the Government.⁹⁹

[NOTICE OF QUESTION RE: COALITION BETWEEN MINISTRY AND OPPOSITION.]¹⁰⁰

MR. CHRISTIE gave notice of an enquiry of the ministry, whether any coalition has been proposed between the ministry and the opposition¹⁰¹.

FOOTNOTES: 24 JUNE 1851.

1. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 26 June 1851, MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, BRITISH WHIG, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, and LA MINERVE, 27 June 1851. The following papers reported the debate in partially identical accounts: GLOBE, 24 June 1851, BRITISH COLONIST, 27 June 1851, NORTH AMERICAN, 27 June 1851, PILOT, 28 June 1851; EXAMINER, 25 June 1851, NORTH AMERICAN, 27 June 1851, and MONTREAL GAZETTE, 30 June 1851. The debate was also reported in a separate account by MONTREAL GAZETTE, 30 June 1851. Commentaries appeared in: BATHURST COURIER, 27 June 1851; and MONTREAL GAZETTE, 30 June 1851.
2. MONTREAL GAZETTE, 30 June 1851.
3. IBID.
4. GLOBE, 24 June 1851.
5. MONTREAL GAZETTE, 30 June 1851.
6. GLOBE, 24 June 1851.
7. MONTREAL GAZETTE, 30 June 1851.
8. GLOBE, 24 June 1851.
9. IBID.
10. MONTREAL GAZETTE, 30 June 1851.
11. GLOBE, 24 June 1851.
12. MONTREAL GAZETTE, 30 June 1851.
13. GLOBE, 24 June 1851.
14. MONTREAL GAZETTE, 30 June 1851.
15. GLOBE, 24 June 1851.
16. MONTREAL GAZETTE, 30 June 1851.
17. GLOBE, 24 June 1851. MONTREAL GAZETTE, 30 June 1851, misunderstood MacDonald's comments about the ministry's "cowardly fear of George Brown" and reported that Macdonald called Brown "that cowardly bear G. Brown."
18. MONTREAL GAZETTE, 30 June 1851.
19. GLOBE, 24 June 1851.
20. MONTREAL GAZETTE, 30 June 1851.
21. GLOBE, 24 June 1851.
22. MONTREAL GAZETTE, 30 June 1851.
23. GLOBE, 24 June 1851.
24. MONTREAL GAZETTE, 30 June 1851.
25. GLOBE, 24 June 1851.
26. MONTREAL GAZETTE, 30 June 1851.
27. GLOBE, 24 June 1851.
28. MONTREAL GAZETTE, 30 June 1851.
29. GLOBE, 24 June 1851.
30. MONTREAL GAZETTE, 30 June 1851.
31. GLOBE, 24 June 1851.
32. PILOT, 28 June 1851.
33. MONTREAL GAZETTE, 26 June 1851.
34. PILOT, 28 June 1851.
35. MONTREAL GAZETTE, 30 June 1851, which added that the fact was "that the Commissioners were shaking in their shoes for fear the enquiry would be granted." It added: "Richards no doubt knew this, and while he appeared as approving the wishes of the Commissioners, he was doing precisely what they wanted for he well knew they had repented of their braggadocia."
36. GLOBE, 24 June 1851.
37. IBID.
38. IBID.
39. IBID.

40. MONTREAL GAZETTE, 30 June 1851.
41. GLOBE, 24 June 1851.
42. IBID.
43. MONTREAL GAZETTE, 30 June 1851.
44. GLOBE, 24 June 1851.
45. IBID.
46. IBID.
47. IBID.
48. MONTREAL GAZETTE, 30 June 1851.
49. GLOBE, 24 June 1851.
50. MONTREAL GAZETTE, 30 June 1851.
51. GLOBE, 24 June 1851.
52. MONTREAL GAZETTE, 30 June 1851.
53. GLOBE, 24 June 1851.
54. MONTREAL GAZETTE, 30 June 1851.
55. GLOBE, 24 June 1851.
56. IBID.
57. MONTREAL GAZETTE, 30 June 1851.
58. GLOBE, 24 June 1851.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. The following papers reported this motion in identical accounts: BRITISH COLONIST, 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
64. PILOT, 28 June 1851.
65. IBID.
66. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
67. PILOT, 28 June 1851.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. The following papers reported this notice in identical accounts: BRITISH COLONIST, 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.

90. PILOT, 28 June 1851.
91. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 26 June 1851, MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, BRITISH WHIG, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, BRITISH COLONIST, 27 June 1851, LA MINERVE, 27 June 1851; BRITISH COLONIST, 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851. The notice was also reported by JOURNAL DE QUEBEC, 26 June 1851, which misdated the debate as 25 June 1851. A commentary appeared in BRITISH COLONIST, 27 June 1851.
92. PILOT, 28 June 1851.
93. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 26 June 1851, MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, BRITISH WHIG, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, and LA MINERVE, 27 June 1851. The following papers reported the notice in partially identical accounts: BRITISH COLONIST, 27 June 1851, PILOT, 28 June 1851, and OTTAWA CITIZEN, 5 July 1851.
94. MONTREAL GAZETTE, 26 June 1851.
95. BRITISH COLONIST, 27 June 1851.
96. MONTREAL GAZETTE, 26 June 1851.
97. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 26 June 1851, MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, BRITISH WHIG, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, JOURNAL DE QUEBEC, 26 June 1851, which misdated the debate as 25 June 1851, and LA MINERVE, 27 June 1851.
98. BRITISH COLONIST, 27 June 1851.
99. MONTREAL GAZETTE, 26 June 1851.
100. The following papers reported this notice in identical accounts: MONTREAL GAZETTE, 26 June 1851, MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, BRITISH WHIG, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, JOURNAL DE QUEBEC, 26 June 1851, which misdated the debate as 25 June 1851, and LA MINERVE, 27 June 1851.
101. MONTREAL GAZETTE, 26 June 1851.

WEDNESDAY, 25 JUNE 1851.¹

(109)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Gugy,--The Petition of John Moore, Esquire,
and others, of the Town of Sherbrooke.

By Mr. Hall,--The Petition of the Town Council of the Town of Peterborough.

By the Honorable Mr. Cameron of Cornwall,--The Petition of the Mayor, Aldermen, and Councilmen of the City of Toronto; the Petition of Thomas Fisher and others, of Moore, Enniskillen, and Plympton, County of Kent; the Petition of John W. Waddel and others, of Port Stanley, County of Middlesex; the Petition of John Bennett and others, of Yonge, County of Leeds; the Petition of R. Rolph and others, of Osnabruck, County of Stormont; and the Petition of Alexander McDonnell, Esquire, and others, of Milford, and other Townships, County of Prince Edward.

By Mr. Flint,--The Petition of John G. Booth and S.F. Urquhart, on behalf of the Canadian Eclectic Medical Society; and the Petition of Joseph Bettes,

(110)

Esquire, and others, of the Townships of Cramahe and Murray.

By Mr. Letellier,--The Petition of J.C. Taché, Esquire, and others, of the Parish of St. Louis de Kamouraska, County of Kamouraska.

By Mr. Fortier,--The Petition of John Evirs, of the Fief Courval, District of Three Rivers.

By the Honorable Mr. Hincks,--Two Petitions of Charles P. Treadwell, of L'Orignal, County of Prescott, Esquire.

By the Honorable Mr. Cayley,--The Petition of Job Loder and others, of Ancaster, County of Wentworth; the Petition of James Allen and others, of Montague, County of Lanark; the Petition of Thomas Christie and others, of St. Mary's, Blanchard, Biddulph and Downie, County of Huron; the Petition of Benjamin Young and others, of Lansdowne, County of Leeds; and the Petition of Joseph Hinton and others, County of Carleton.

By Mr. Sauvageau,--The Petition of J. Hébert, Esquire, and others, of the Parish of St. Jean Chrysostôme, County of Beauharnois; and the Petition of P.A. Robillard and others, of the Parishes of Ste. Martine and St. Urbain Premier, County of Beauharnois.

By Mr. Boulton of Toronto,--The Petition of D. Cameron and others, of the Counties of York and Peterborough.

By Mr. Richards,--The Petition of Stuart Harrison and others, of South Elmsley, County of Leeds.

By Mr. Solicitor General Drummond,--The Petition of Jonathan Herrick and others, of the County of Shefford, and others.

Ninth Report
of Committee
on Standing
Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Ninth Report of the said Committee; which was read as followeth:--

Your Committee have examined the Petitions of Joseph D. Ridout and others, of J.G. Bowes, Esquire, and others (relative to the Toronto and Goderich Railroad Company,) and of William P. Howland and others; and find that the requisite notices have in each case been given.

They have also examined the Petition of James Benson and others, for an Act of Incorporation to enable them to purchase the Lands known as "The Welland Canal Lands." It appears that notice has been published in the Canada Gazette, but not in any local paper: Your Committee entertain doubts of the necessity

for notice in this case, as the Petitioners merely desire to obtain authority to hold lands, to loan money on mortgage, and to erect Manufactories, with no exclusive privileges or advantage; and they would therefore respectfully recommend that the notice be considered sufficient.

With respect to the Petition of the Mayor, Aldermen, and Citizens of Montreal, for an Act to amend and consolidate the Acts incorporating the said City, Your Committee find that the only amendment sought to be made to the provisions of the Acts now in force, is for the establishment of a Recorder's Court for the said City; this being the case, they would respectfully submit that notice is not required.

With regard to the Petition of the Municipal Council of the County of Norfolk for the confirmation of certain By-Laws imposing taxes on Lands, it appears that no notice has been published.

The Petition of the Montreal Firemens' Benevolent Association is not, Your Committee find, of such a nature as to require the publication of notice.

The Petition of Elizabeth R. Thomas and Harriet Inson, for an aid to the Hamilton Ladies Benevolent Society, and the Petitions of Samuel Jenkins and others, and of John Counter, Esquire, and others, in favor of a northern line of Railway between Montreal and Kingston, not being Petitions for Private Bills, Your Committee are respectfully of opinion ought not to have been referred to them.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of John Fitzpatrick and others, of the Parishes of St. George de Henryville and St. Grégoire, County of Rouville; praying the adoption of measures for defining the rights of Seigniors, and to abolish the Seigniorial Tenure in Lower Canada.

Of J.O. Arcand and others, of the northern part of the County of Sherbrooke; praying that an exploration be made of the River St. Francis, from Sherbrooke to the Lakes Aylmer and St. Francis, with a view to improve the navigation thereof.

Of E. Finley and others, officers and members of the Grand Tent of the Canada East Tribe of Rechabites; praying that the Bill for more effectually suppressing Intemperance in Lower Canada may pass into Law.

Of John Neilson and others, of the Townships of Walpole and Rainham; representing the insufficiency of the present provision for the support of Common Schools in Upper Canada, and praying that the proceeds of the Clergy Reserves may be applied to purposes of Education.

Of Eli Gorham and others, of the Townships of King and Whitchurch, County of York; representing certain inequalities in the proposed division of the said County, and suggesting that the Township of King be added to the northern Division, or otherwise that Whitchurch and East and North Gwillimbury be included in the proposed new County of York, and praying relief in the premises.

Of James W. Fell and others, of the Village of Chippawa; praying the adoption of measures for the immediate and final appropriation of the funds arising from the Clergy Reserves to purposes of general Education.

Of the Municipality of the Township of Willoughby; praying an investigation into the establishment of the Rectories, and for the final appropriation of the Rectories and Clergy Reserve Lands to purposes of general Education.

Of the Municipal Council of the County of Simcoe; praying that the Old Survey of the Township of West Gwillimbury may not be separated from the said County.

Of the Municipal Council of the County of York; representing that the people of the said County are as a body, opposed to the division of the said

County as proposed by the Bill to alter the Territorial Divisions of Upper Canada.

Of the Mayor, Aldermen, and Commonalty of the City of Toronto; praying certain amendments to the Municipal Corporations Act.

Of William Smart and others, of the Town of Yonge and Elizabethtown; praying for the enacting of such Laws as shall secure a due respect to the Lord's day in certain branches of the public service.

Of the Municipal Council of the County of Middlesex; praying that should any division be made of the said County, it may be by a line running north and south.

Of Robert Busteed, Chairman, on behalf of a public meeting of the Inhabitants of the western portion of the County of Bonaventure; praying the adoption of such measures as may promote the construction of a line of Railway from Halifax to Quebec and Montreal.

Of the Municipality of the Township of Nelson; praying that no division be made of the County of Halton, but that in case of such proposed division

(111)

being carried into effect the Township of East Flamborough may be attached to the other Townships forming the proposed County of Halton.

Of A. Farewell and others, of Upper Canada; praying for the passing of an Act to allow free competition between the contending systems of Medical Practice, and to remove the penal liabilities of practising without license, or otherwise to recognize the Diplomas or Certificates of those Botanic or other Practitioners received from a regularly organized Board of their own Medical Sect.

Of the Municipal Council of the County of Shefford; praying a repeal of the Act for the suppression of Intemperance, and that better provision be made for issuing Tavern and other Licenses, so as to prevent the evils of Intemperance.

Of S.S. Foster, Esquire, M.D. and others, of the Townships and Seigniories in the Counties of Missisquoi and Shefford, and the Townships of Potton and Bolton, County of Stanstead; praying that the said Territory may be erected into a Juridical District with a Resident Judge, and an extension of Civil and Criminal Jurisdiction.

Of the Municipal Council of the County of York; praying that such authority may be conferred upon the Municipalities as may enable them to compel Joint Stock and Chartered Road Companies to keep their Roads in a proper state of repair.

Of the Municipal Council of the County of York; praying for the passing of an Act to explain and amend the Assessment Law.

Of W. Thompson, Reeve, and C.E. Romain, Deputy Reeve, of the Township of Toronto; praying that the proposed division of the County of York may not pass into Law.

Of Colin C. Ferrie, Esquire, President, on behalf of the Hamilton and Gore Mechanics' Institute; praying aid in behalf thereof.

Of G.G. Dinning and others, of the Township of Cumberland; praying for the passing of an Act to promote the construction of a Northern Main Trunk Railway by the line of the Ottawa River, connecting the Cities of Montreal and Kingston.

Of Henry Sillington and others, of the Township of Adelaide, County of Middlesex; of John W. Branan and others, of the Village of Metcalfe, County of Peterborough; of M. Jackson and others, of Westminster, Yarmouth, and Southwold, County of Middlesex; of the Reverend J.W. Boomer and others, of Galt, County of Halton; of the Reverend George Hallen and others, of Penetanguishene, in the County of Simcoe; of the Reverend Robert Blakey and others, of the Town of Prescott; of the Reverend Donald Fraser and others, of Norval and Esquesing,

County of York; of William Carroll and others, of Whitby and other Townships in the County of York; of the Reverend J. Gibson and others, of Georgina and other places in the North Riding of the County of York; of J.W. Gamble and others, of the Township of Vaughan; of the Reverend H. Patton and others, of the Town of Cornwall, County of Stormont; of Henry Rowed and others, of the Township of Seymour, County of Northumberland; of the Reverend Frederick Mack and others, of Amherstburg, Anderton and Malden, County of Essex; of the Reverend Ralph Leeming and others, of the Village of Dundas and its vicinity; of Andrew Pettit, and others, of Grimsby and other places in the Counties of Lincoln and Wentworth; of Thomas Paxton and others, of the Town of Amherstburg, and the Townships of Malden, Anderton and Colchester; of Joseph Mulligan and others, of Tullamore, the Gore of Toronto, and other places; of John T. Lewis and others, of West Hawkesbury, L'Orignal, and other places in the County of Prescott; of the Reverend George Graham and others, of Nassagaweya, County of Halton; of Charles Stuart and others, of the Parish of St. Paul, Port Robinson, Counties of Welland and Lincoln; of Alexander Kirkpatrick and others, of the Village of Chippawa, and the Townships of Stamford and Willoughby, in the County of Welland; of Thomas Bayly and others, of the Village of Grafton, and Township of Haldimand, in the County of Northumberland; of Andrew T. Kirby and others, of Beverly, Flamborough West and Dundas, County of Halton; of Robert Stroud, Esquire, and others, of Norwich and Dereham, County of Oxford; of the Reverend Charles Brown and others, of Norwich and Dereham, in the County of Oxford, and of Dorchester and Malahide, in the County of Middlesex; of the Reverend A.F. Atkinson and others, of the Town of St. Catharines and its vicinity; of the Reverend Charles L. Ingles, B.A., and others, of the Village of Drummondville, County of Welland; of the Reverend G.A. Anderson and others, Mohawk Indians, of the Bay of Qunité, Members of the Church of England; of the Reverend Francis Tremayne and others, of Leeds, Tilbury, and other Townships, in the County of Leeds; of the Reverend J.B. Worrell and others, of Smith's Falls, County of Leeds; of Henry Burritt, Esquire, and others, of the Village of Burritt's Rapids, and the Township of Marlborough, County of Carleton, and of the Township of Oxford, County of Grenville; of Benjamin Warran and others, of the Village of Bellamy, County of Grenville; and of the Reverend Robert Harding and others, of the Townships of Ops and Emily, County of Peterborough; praying that the vested interests of the Clergy of the various Religious Denominations of Christians in the Province acquired by the Act of Settlement of 1840, may be so respected as to prevent any further legislation on the subject of the Clergy Reserves.

Of Sir Allan N. MacNab and others, of the City of Hamilton, and of the Township of Barton; praying that the application of P.H. Hamilton, Esquire, that a certain Road allowance in the said Township be vested in him, may not be granted.

Message from
the Council

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Montreal Trinity
House Act Amend-
ment Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Montreal Trinity House Act," without any Amendment: And also,

Burlington
Ladies Acade-
my Bill.

The Legislative Council have passed a Bill, intituled, "An Act to incorporate the Burlington Ladies Academy," to which they desire the concurrence of this House: And also,

Municipal
Councils
(U.C.)
Independence
Bill.

The Legislative Council have passed a Bill, intituled, "An Act for better securing the independence of Municipal Councils in Upper Canada," to which they desire the concurrence of this House: And also,

Grand River
Navigation
Bill.

desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to authorize the Grand River Navigation Company to raise by way of loan, a certain sum of money, and for other purposes therein mentioned," to which they

Toronto School
of Medicine
Bill.

The Legislative Council have passed a Bill, intituled, "An Act to incorporate the Toronto School of Medicine," to which they desire the concurrence of this House.

And then he withdrew.

Burlington
Ladies
Academy Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to incorporate the Burlington Ladies Academy," was read the first time.

(112)

Municipal
Councils
(U.C.) Inde-
pendence Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act for better securing the independence of Municipal Councils in Upper Canada," was read the first time.

Grand River
Navigation
Bill.

first time.

An engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Grand River Navigation Company to raise by way of loan, a certain sum of money, and for other purposes therein mentioned," was read the

Toronto School
of Medicine Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to incorporate the Toronto School of Medicine," was read the first time.

On motion of the Honorable Mr. Boulton, seconded by Mr. Sherwood of Brockville, Ordered, That the said Bill be read a second time to-morrow.

On motion of Sir Allan N. MacNab, seconded by Mr. Smith of Wentworth,

Burlington
Ladies
Academy Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate the Burlington Ladies Academy," be read a second time to-morrow.

Agricultural
Societies.

Resolved, That the annual Report of the Agricultural Society of Lower Canada, and the Special Report of the Agricultural Society of the County of Beauharnois,

laid before this House on the seventeenth instant, be referred to a Select Committee, composed of Mr. Taché, Mr. Sanborn, Mr. McConnell, Mr. Duchesnay, Mr. Bouthillier, Mr. Armstrong, and Mr. Lacoste, to report thereon with all convenient speed; with power to send for persons, papers and records.

Commutations
of Tenure.

The Honorable Mr. Price, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Returns of Commutations effected within the Censives of Quebec, from the first of May, 1850, to the first of May, 1851,--of the late Order of Jesuits in the Districts of Quebec, Montreal and Three Rivers, and of the Seignior of Lauzon, from the first of May, 1850, to the first of May, 1851, pursuant to the directions of the Provincial Act 10 & 11

Vic. cap. 111.

Appendix (Y.)

Railroad from
Fort Erie to
Brantford.

His Excellency the Governor General, dated the 16th instant, praying His Excellency to cause to be laid before the House, a copy of any Instrument or other Document, or Receipt, registered in the Registrar's office of the County of Haldimand by any Company of persons, for the construction of a Railroad from Fort Erie to Dunnville and Brantford.

For the said Returns, see Appendix (Y.)

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,-- Return to an Address from the Legislative Assembly to

Appendix (Z.)

Three Bills re-
lating to Judg-
ments of Courts
in Lower Canada.

the Bill to render executory the Judgments of Commissioners' Courts in Lower Canada,--and the Bill to facilitate the execution of Judgments in Lower Canada, with Instructions to report the said Bills by one or more Bills, if found ex-

Bill relating
to certain
Judgments in
Lower Canada.

For the said Return, see Appendix (Z.)

Mr. Sanborn, from the Select Committee to which were referred the Bill to render the Judgments of the late Provincial Court for the Inferior District of Saint Francis executory, and for the removal of the Records of the said Court into the Circuit Court at Sherbrooke,-- the Bill to render executory the Judgments of Commissioners' Courts in Lower Canada, and to provide more effectually to enforce Judgments in case of resistance, which was received and read for the first time; and ordered to be read a second time to-morrow.

Petitions
referred.

be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of the Grand River Navigation Company, and the Petition of Peter M. Laurin, Esquire, and others, of the Township of Caledonia,

Territorial
Divisions
(U.C.).

mittee of the whole House on the Bill to make certain alterations in the Territorial Divisions in Upper Canada.

Ordered, That the Petition of the Municipal Council of the County of Middlesex, (Division of County), and the Petition of Francis Nichol and others of the Township of Westminster, be referred to the Com-

School Houses
(L.C.).

Ordered, That the Return relative to School Houses, which was presented yesterday, be printed for the use of the Members of this House.

Toronto
Medical Board
of Examiners.

Ordered, That the Return relative to the Toronto Medical Board of Examiners, which was presented on the sixteenth of June instant, be printed for the use of the Members of this House.

Civil List.

Civil List of the Province, and the Despatches accompanying the same, be referred to the Committee of the whole House to consider the expediency of amending the Act granting a Civil List to Her Majesty, and other Acts.

Ordered, That the Message of His Excellency the Governor General of the 27th ultimo, respecting the

Division Courts
Bill (U.C.).

tive to the said Courts.

Ordered, That Mr. Seymour have leave to bring in a Bill to extend the jurisdiction of Division Courts in Upper Canada, and otherwise to amend the Law rela-

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to the Post Office.

Ordered, That Mr. Bell have leave to bring a Bill for the diminution of Sunday labor in the Post Office Department.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Duelling.

Ordered, That Mr. Bell have leave to bring in a Bill to prevent Duelling.

Bill relating to Sessions of the Peace.

Ordered, That Mr. Ross have leave to bring in a Bill to define the jurisdiction of Justices in General and Quarter Sessions of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Chabot, seconded by Mr. Lemieux,

Seigniorial Tenure.

Ordered, That it be an Instruction to the Select Committee on the Seigniorial Tenure in Lower Canada, to enquire into the rate of cens et rentes, charges,

and dues exacted by the Seigniors of Lower Canada from their Censitaires; whether this rate has been increased; whether in the opinion of the Committee such increase is contrary to Law; and whether it would not be expedient and just to define by a declaratory enactment or otherwise, the mode in which per-

(113)

sons desirous of obtaining concessions of Land in such Seigniories may compel Seigniors to make such concessions, and the rate at which such concessions should in future be made, and to suggest any means of remedying the abuses which may have crept into the Seigniories, and of preventing them for the future.

On motion of Mr. McLean, seconded by Mr. McConnell,

Printing.

Ordered, That it be an Instruction to the Standing Committee on Printing, to consider and report to this

House whether any and what improvement can be made in the printing and engrossing of Bills.

MR. MACKENZIE² moved that the Clerk be directed to request from the Great Western Railway Company, a return relative to its affairs. He alleged that little confidence had been shown by the country in the concern³. This company had been ... established⁴ 16 years ago,⁵ and had hitherto succeeded in doing almost nothing. They professed to require a capital of £150,000, while with all their exertions, they had hitherto raised no more than £58,000. This showed that the public had no confidence in the work, or in the management of it.... Their bill ... for consolidating past incorporation bills⁶ was now before the House, conferring upon the company extraordinary powers; and as it was understood that the Province was to be called upon to advance one-half of the capital; in the terms of the Railway Guarantee Act of last session, it was right that the public should be made acquainted with an exact account of the whole affairs of the company, and the reason for obtaining the fullest in-

formation was, that the Company might be regarded as representing the mammoth railway monopoly of the provinces, which desired to prevent the construction of other lines in the Western section of the Province; and⁷ they sought for extraordinary power to take private property. This last was an additional reason, as if they wanted more property; they should show they had paid for what they had taken.⁸ It was therefore highly desirable that the House should know how the company had exerted the powers with which it was already invested.⁹

SIR A. MACNAB said the hon. member for Haldimand had not ventured to make any specific charge against the Company, because no such charge could be sustained.¹⁰ Nor had any one fact been alleged which could induce Parliament to interfere in a private company. If the company had not proceeded in 1836, it was on account of events, of which the hon. gentleman knew more, than he.¹¹ The assertion that there was no public confidence in the affair, or the man who managed it, was contradicted by the fact that the city of Hamilton, the towns of Galt and London, and the counties of Oxford and Middlesex, had subscribed large sums to the railway, and thereby evinced the strongest interest in its progress¹² and ... confidence ... in the Directors by those who knew them best¹³. He would now read the names of the Directors of the railway, and ask whether¹⁴ there were any circumstances connected with them that should make the House doubt their honor or the correctness of their conduct.¹⁵

MR. MACKENZIE said, that neither directly nor indirectly, had he made any reflection on the Directors.¹⁶

SIR A. MACNAB said the hon. member's motion and speech were palpable reflections on the management of the Company, which had been entrusted to men of all parties, who were second to none in the Province in regard to position and wealth. Sir Allan read their names, and then read a correspondence between the committee and the Company. The secretary of the Company informed the committee that every facility would be afforded to the engineer of the Board of Works, in any inquiry he chose to make¹⁷, and asked whether after doing so, the company, was to be made to throw open all its books to satisfy the curiosity of the hon. member for Haldimand?¹⁸ One of the items in the return moved for, had reference to sums paid to himself, (Sir Allan) and the agents of the Company. So far as he was concerned, he would state that he had never received any remuneration, but on one occasion¹⁹ when he had gone to England, the company²⁰ did think proper to pay a certain sum for expenses; and he had spent twice as much. He concluded by remarking that no necessity existed for the motion, as the Company were willing to throw open their books to any party having an actual right to inspect them²¹, [and] laying on the table some reports, which he said contained most of the information sought for.²²

MR. INSP. GEN. HINCKS ... ridiculed the assumption of superior honesty, which he imputed to Mr. Mackenzie, and contended that the information now asked for was quite unnecessary.²³ As a member of the Railway Committee of the House, he felt bound to remark that the Company had afforded to the Committee the fullest information in regard to its affairs.²⁴

MR. H. SHERWOOD gave a short history of the Company in question to show that it had been kept back,--first, by political troubles in Canada, and then by commercial panic in England. If a Company asked for no privilege it need give no information. If it did, as this Company did, it was bound to give the required information; but not as now proposed. The proper way to get it was through the Railway Committee.²⁵ [He] expressed a hope that the period had arrived when this railroad would be constructed, as part of a great trunk line connecting the western section of the Province with Montreal, and eventually with Halifax. He opposed the motion.²⁶

MR. MERRITT did not deem the reasons that had been alleged against the motion conclusive. Were he in the position of the honorable member for Hamilton, he should without hesitation give the amount of stocks that had been subscribed for; other parts of the returns were of less consequence, perhaps premature. He (Mr. Merritt) felt that the Committee on Railroads should report the course they were going to pursue, without delay. He understood that some great scheme was going on which would involve a large sum of the public money.²⁷ At present, under the Railway law, any company might get contractors to take stock at £6,000 per mile when the cost ought only to be £3,000 per mile, and thus make the public pay for the whole line.²⁸

SIR A. MACNAB.--Somebody has been humbugging you.²⁹

MR. MERRITT was humbugged last year, when he gave his support to the Railway Guarantee Act, under which money might be granted to companies on terms that were likely to involve loss on the part of the company.³⁰

MR. H. SHERWOOD.--By whom was the honorable member for Lincoln humbugged? By his colleagues?³¹

MR. MERRITT said, no, by myself. (Laughter.)³²

MR. MACKENZIE, in replying to previous speakers, adverted to allusions that had been made to the rebellion of 1837,³³ said, besides doing him a great deal of harm, had done some people a great deal of good--amongst other things, making the only hon. and gallant knight in the house³⁴, for without W.L. Mackenzie there would have been no Sir Allan. (Laughter.)³⁵ Sometime hereafter he might talk about the rebellion, when he could talk coolly, for he did not wish another civil rebellion like that at Montreal in 1849; of which the London Times averred, that while the rebellion of 1837 was a rising of freemen for their rights, it (the civil rebellion of Montreal) was a rising of discharged placemen, to overturn the very government which had pampered them. --(Laughter.) He did not know if that were true, as he was not in the country at the time; but, if true, it was a fine commentary on the events of 1837.³⁶ He did not impeach the character of the directors of the G.W. Company, but³⁷ as the government was to pay half the expense of the road, the house had full right to information, which ought not to be smothered before a packed committee.³⁸ To know how far they had manifested substantial confidence in an undertaking of which they were managers. To withhold the information, he sought, was to do great injury to a concern in which a large section of the country was deeply interested.³⁹

MR. RICHARDS opposed the motion on the ground that⁴⁰ no private company should be called on for information, unless some parties interested in the company should ask for the enquiry. As to the guarantee, they could only get it by complying with the rules laid down by the law and the government.⁴¹

MR. MACDONALD declared his entire satisfaction with the accounts of the company; and in a short time the hon. member would have all the information he asked for, except the list of the stockholders, which no one was interested in knowing.⁴²

MR. SOL. GEN. DRUMMOND reiterated Mr. Hinck's statement as to the fullness and satisfactory character of the information furnished to the railway committee by this company.⁴³

MR. MCFARLAND thought that the information sought for, was due to the country.⁴⁴

MR. J. SMITH, of Durham, as a member of the railway committee said the com-

pany had afforded every information in their power to the railway committee, and that the result of the investigation was highly favourable to the railway. Knowing that all the facts in which the public were actually interested, would be shortly presented in the House by the committee, he felt bound to oppose the motion.⁴⁵

MESSRS. CHAUVEAU and CAUCHON spoke against the motion, the latter alleging that he had had great prejudices against the Great Western Road; but that these had been entirely removed by the open information given by the company.⁴⁶

(113)

Great Western
Railroad
Company.

Mr. Mackenzie moved, seconded by Mr. Hall, and the Question being put, That the Great Western Railroad Company do furnish for the information of the Members of this House, a Return shewing the condition of the affairs of the said Company; the names of all the shareholders, corporate bodies inclusive, with the number of shares held by each, and the amount actually paid in by each shareholder, up to the day when the Directors for the current year were chosen (June 2nd, 1851); the names of the said Directors, the shares subscribed for and held by each, and the sums they have severally paid thereon up to the said date: an Account of the Company's financial affairs to the same date, with the receipts and disbursements; a list of all debts due by the Company, and of all unsettled claims that have been made against them for labor, materials, damages, or of any description, and stating whether any of the said claims are litigated; the quantity of Road wholly or partly completed during the last sixteen years, the quantity under contract, with the amount or probable amount, and the terms of all contracts already entered into by the Company, specifying each contract separately, and stating its date; copy of the arrangements for a Loan of £50,000 from a Bank, and how much of that sum has been since drawn out; together with a map or plan of the routes the Company intend or propose to follow in their Railway and branches, and such information as they are able to give concerning the Stock reserved for Britain and the United States, what arrangements are proposed, and how far perfected; also, stating the gross sum actually paid in during the last sixteen years by Canadian stockholders: the accuracy of the said Return to be certified by the President and Chairman of the Company; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Mackenzie and McFarland.--(2.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Boulton of TORONTO, Burritt, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Dickson, Dumas, Fergusson, Flint, Fournier, Guillet, Hincks, Hopkins, Jobin, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. Mac-Nab, Malloch, McLean, Merritt, Méthot, Meyers, Polette, Price, Richards, Robinson, Ross, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, and Taché.--(43.)

So it passed in the Negative.

Bill relating
to Securities
to the Crown.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to declare that Bonds and other personal securities to the Crown shall constitute no incumbrance upon the Real Estates of parties thereto.

He accordingly presented the said Bill to the House, and the same was re-

ceived and read for the first time; and ordered to be read a second time on Monday next.

Montreal Fire-
mens' Benevolent
Association Bill.

Ordered, That Mr. Cartier have leave to bring in a Bill to amend the Act incorporating the Montreal Fire-
mens' Benevolent Association.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Montreal
Corporation
Bill.

Ordered, That Mr. Cartier have leave to bring in a Bill to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Mon-
treal, and of a certain Ordinance and certain Acts

amending the same, and to vest certain other powers in the Corporation of the said City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Interest of
Money Laws
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time to-morrow, and be then the first Order of the day.

Clergy
Reserves.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Monday last proposed, That an humble Address be presented to

Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

Ordered, That the said Order of the day be postponed until to-morrow, and be then the second Order of the day.

Kingston and
Toronto Junc-
tion Railroad
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Kingston and Toronto Junction Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroad and

Telegraph Lines.

Bill relating to
a Road Allowance in
the Township of York.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the

Township of York, in certain persons," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Trinity
College Bill.

The Order of the day for the second reading of the Bill to incorporate Trinity College, being read;

(114)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Great Western
Railroad Acts
Consolidation
Bill.

The Order of the day for the second reading of the Bill to consolidate such of the provisions of the several Acts relative to the Great Western Railroad Company as are now in force, being read;⁴⁷

SIR A. MACNAB moved the second reading of the Great Railway Consolidation Bill.⁴⁸

MR. MCFARLAND objected to the Bill as conferring some extraordinary powers on the company who would be authorized, if the bill passed, to take any man's lumber along the line of the Road.⁴⁹

MR. MERRITT would vote for the second reading on the supposition that the bill would be referred to the Railway Committee, and that no extraordinary powers would be given, nor any monopoly to prevent other charters.⁵⁰

MR. AT. GEN. BALDWIN supporting the bill, thought there should be none of these extraordinary powers⁵¹.

MR. INSP. GEN. HINCKS had at one time opposed this measure, because he was satisfied at that time that the Great Western Railroad Company were not in a position to go on with their work, and feeling so much the necessity of a railroad, and that the Great Western did not progress so rapidly as it should have done. That Company desired no monopoly, and one reason for his giving it support at this time was, that the very persons who were talked of as making an opposition railing were the very persons who were now ready to carry forward the Great Western. For that reason he would give the measure his support, and he hoped that it would meet with no further opposition.⁵²

SIR A. MACNAB said when the bill came before the House, Hon. members would see that there are no extraordinary powers conferred. They asked no power further than would be granted to any company. He was willing to take out all clauses objectionable in that way.⁵³

MR. MACKENZIE objected to the bill because it would create a monopoly in this Company that would prevent other railroads from being constructed⁵⁴, and grant unjustly extensive powers. He said, however, that he would not occupy any time as he knew the bill would pass.⁵⁵

COL. GUGY and COL. PRINCE complained of ... [the] obstructive course of the hon. member for Haldimand⁵⁶.

COL. PRINCE regretted that the Hon. member for Haldimand should be so much a barrier to all improvement, and that the constituency of Haldimand should entrust their interests to him.--Could they believe he was forwarding their interests in opposing this measure. His predecessor was a great supporter of all improvements, and certainly the constituency of Haldimand could not be satisfied with the course their present member was pursuing. (Hear, hear.) Why should the Hon. member object to this measure? Simply because opposition is part and parcel of his very nature. (Hear, hear.) The Hon. gentleman is

eloquent, no one would doubt it, but his eloquence tends to no good purpose. He would tell the Hon. member, that if he persisted in this course, of keeping the House in session day after day, he hoped there would be sufficient firmness displayed, to get quit of so troublesome a person, and that no one would second⁵⁷ a vote for⁵⁸ any of his motions he would bring forward.⁵⁹

(114)

Sir Allan N. MacNab moved, seconded by Mr. Dickson, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Chabot, Christie, Crysler, Dickson, Flint, Fortier, Gagy, Hall, Hincks, Jobin, Johnson, LaTerrière, Letellier, Sir Allan N. MacNab, Malloch, Merritt, Méthot, Meyers, Morrison, Polette, Prince, Robinson, Sanborn, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Smith of WENTWORTH.--(34.)

NAYS.

Messieurs Mackenzie and McFarland.--(2.)
So it was resolved in the Affirmative.

MR. MCFARLAND doubted if there was a quorum. (Hear, hear and laughter.)⁶⁰

MR. MACKENZIE said Hon. gentlemen might laugh, but the Hon. member for Welland although wrong in point of fact, was not wrong in point of principle, for no fewer than a majority of the members of this House ought to be a quorum.⁶¹

SIR A. MACNAB moved that the bill be referred to a committee.⁶²

An irrelevant conversation took place, that had no reference to the motion before the Chair⁶³.

COL. PRINCE, who considered that the clemency which had been shown to the member for Haldimand should have been met with gratitude on his part. Surely the electors of Haldimand did not desire their representative to be ungrateful. The hon. gentleman is indebted for his political existence to the Government of England, and from the estimates before them it seems that he is indebted to this government for the provisions of the day. The hon. gentleman ought therefore to be--⁶⁴

MR. MACKENZIE rose to order. He did not think such language proper. He was not the question before the House.⁶⁵

MR. MORIN the SPEAKER said the hon. member for Essex was not in order unless he could connect his allusions with the subject of the motion. (Hear, hear, and laughter.)⁶⁶

COL. PRINCE said, he would connect it with the motion. He would do it in this manner--if it were not for the magnanimity of the Government, and also of the people of Haldimand, the hon. member could not be there⁶⁷ to annoy them. He would just refer to the sum mentioned by these--⁶⁸ to be paid Mr. Mackenzie⁶⁹.

MR. MCFARLAND called the hon. member to order. He said such remarks were out of all character.⁷⁰

MR. MORIN the SPEAKER said the hon. member was out of order.⁷¹

COL. PRINCE said he would bow to the Speaker; but he would recommend the hon. member for Haldimand to make shorter speeches in future.⁷²

(114)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Toronto and
Lake Huron
Railroad Bill.

The Order of the day for the second reading of the Bill to revive and continue the Act of Incorporation of the Toronto and Lake Huron Railroad Company, being read;⁷³

MR. H. SHERWOOD moved the second reading of the Bill to revive the Charter of the Toronto and Lake Huron Railroad Company. He explained the Bill at some length.⁷⁴ The principal object aimed at by the bill, ... was to enable the Stockholders to pay off the debts contracted by them as a Company. The bill would be referred to the Railway Committee, and if there were anything objectionable in it, they would give it their attention and vote against it. He desired a full investigation to be made.⁷⁵

(114)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

British America
Assurance Bill.

The Order of the day for the second reading of the Bill to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the said Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Canada Guar-
antee Company
Bill.

The Order of the day for the second reading of the Bill to incorporate the Canada Guarantee Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Montreal Diocese
Temporalities
Bill.

The Order of the day for the second reading of the Bill to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other purposes therein mentioned, being read;

The Honorable Mr. Badgley moved, seconded by Mr. Christie, and the Question being proposed, That the Bill be now read a second time;⁷⁶

MR. MACKENZIE would simply call for the yeas and nays.⁷⁷ He was opposed to all legislation for Churches⁷⁸, and wanted to⁷⁹ record his vote⁸⁰ against it.⁸¹

MR. BADGLEY said he wanted to make no new law; but simply to provide for division of the Diocese of Quebec and Montreal.⁸²

MR. MORRISON wished to record his vote against the measure. It was exceedingly wrong year after year to press bills of that kind upon the country. They might depend upon it that very shortly every act of this description would be repealed. He was only sorry that there was so strong a feeling in the House to pass bills of this nature. There was no Church whatever, [that] should be regulated by [an] act of Parliament, and he deeply regretted that at this time such a bill should be brought up.⁸³

MR. INSP. GEN. HINCKS said he knew that he was going to give an unpopular vote; but he should nevertheless do justice.⁸⁴ There was unfortunately a strong

feeling in the country against the Church of England, and he deeply regretted it. He was determined that he would endeavor to do justice to the Church of England. He would do that justice to the Church of England that he would do to every other Church in Canada. What do they ask in this Bill, simply the power of holding property and managing their own affairs. He regretted to see the opposition made in the House to this measure.⁸⁵

COL. PRINCE tendered to his hon. friend, the Inspector General, his warmest thanks for the liberal statements he had made⁸⁶. The hon. member's words were magnanimous and became him as a statesman. He (Col. P.) also regretted to see the bad feeling that existed against the Church of England. He believed it was in consequence of the Clergy Reserves.⁸⁷ God help the Church of England!⁸⁸ She was his Church and he loved her,⁸⁹ and hoped to die in her faith. But he was sincere when he said that⁹⁰ he sometimes could not help thinking that it would be better for her if all the Reserves were sold and⁹¹ the money supplied to build a railroad from Sandwich to Gaspé.⁹²

MR. AT. GEN. BALDWIN--somewhat warmly--considered it very strange that there should be opposition made to a measure, the object of which was to allow the Church of England to manage her own affairs⁹³, as other Churches were. He only asked perfect equality for his Church.⁹⁴

MR. SANBORN objected to the principle of giving exclusive privileges to any Church; but he had carefully looked at the present bill, and found nothing objectionable.⁹⁵

SIR A. MACNAB shewed that Mr. Morrison had voted for twenty-four religious Corporations⁹⁶ since 1840 giving similar power⁹⁷, and he asked why he should object because the present bill was for the Church of England?⁹⁸

MR. MORRISON said, this bill was different, as it made a corporation sole.⁹⁹

(114)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Morrison, That the word "now" be left out, and the words "this day three months" added at the end thereof;

MR. MACKENZIE--He made a speech of some length condemning State Churches and Lord Bishops.¹⁰⁰ If the bill was intended to give the Church of England only the same powers that were given to¹⁰¹ Baptists, Quakers, &c.,¹⁰² he would be the last member to oppose it. He had made up his mind that to give religious supremacy, powers and privileges to any class is the means of creating discontent.¹⁰³

MR. MORRISON seconded the amendment.¹⁰⁴

MR. BADGLEY explained at length that the bill asked for no money nor any exclusive privileges. The hon. member for Haldimand must not have read the bill with care, as it did not confer the title of Lord upon the Bishop. The Bishops of the Church of England were called Lords in this colony by courtesy only, Bishops were not entitled to be called Lords any more than members of that House to be called honourable gentlemen.¹⁰⁵

COL. PRINCE ridiculed amid loud laughter, the system of calling Lords in this Province with reference to the Judges. He said, he saw these gentlemen advertising in the newspapers as practising lawyers, (a custom which did not prevail in England) one day, and called "my Lord" the next, because they happened to be of the same kidney as the party in power, and were elected to the bench. He instanced the creation of a brace of Chancellors a few months ago. The ridic-

ulous practice of "my Lording" such men almost choked him; he had hardly words to express his contempt of such folly. In Lower Canada a better system prevailed; the respectable appellation of "your Honor," being applied to so eminent a man as the Chief Justice Sir James Stuart.¹⁰⁶

MR. MACKENZIE made a general reply.¹⁰⁷

MR. INSP. GEN. HINCKS followed generally replying to him.¹⁰⁸

MR. CHAUVEAU spoke in favor of the bill. He censured the religious fanaticism of those gentry in Upper Canada, with whom Mr. Mackenzie appeared to be connected; the press, the organ of this party, was the most scurilous, fanatic, and intolerant that he knew.¹⁰⁹ This was a measure to regulate the internal affairs of one of the churches of the Country.¹¹⁰ As a Roman Catholic he was in favor of granting to other denominations, the liberty he asked for his own.¹¹¹ He would give unlimited liberty to all churches.¹¹² To impose restrictions on Roman Catholics¹¹³ would induce him to vote in favour of the Bill.¹¹⁴

COL. GUGY followed, attacking Mr. Mackenzie--characterising his principles as detestable, and contending that their effect would be to lead by murder and revolution. He would not hesitate to express that opinion notwithstanding that he might be written over and abused by a mendacious ragged press. It was not the custom of members of the House to allow themselves to be influenced by that power unknown to the constitution. He was proceeding to describe the spectacle of an execution, at which the lowest and most degraded of mankind--when,¹¹⁵

MR. J. SMITH (of Durham) rose to order.¹¹⁶

COL. GUGY went on to contend that the newspapers were a self-constituted court, in which they themselves were the judges, juries, and executioners, at the same time. They assumed to be the voice of the people. Now according to his idea of the mission of a member of Parliament, he should not allow himself to be controlled by such a power, nor any power from below. Experience, education and refinement came from above. Here the hon. member went on to debate on consistency and sentiment.¹¹⁷

MR. MALLOCH said--speak to the question.¹¹⁸

COL. GUGY would thank the hon. member to give his opinion when he was asked for it; and again went on to refer to Mr. Mackenzie. He said if there were a Parliament of such men, there would be reenacted the scene of the Kilkenny cats, --there would not be a tail left behind them.¹¹⁹

MR. RICHARDS supported the bill, but brought out no new argument. He contended the Church of England asked for no new nor exclusive privileges.¹²⁰

MR. CHRISTIE took the same view. He hoped no Roman Catholic would oppose the bill. He spoke generally in favor of religious equality.¹²¹

MR. SMITH did not object to the Church of England having the management of its own affairs but he did object to grant unlimited right to hold real property in Lower Canada to any church. This was not permitted to any other body except the Catholics and the Church of England. Were hon. members willing to do away with the acts of mortmain entirely? If so, why did not the Ministry bring in a bill to abolish these statutes? He was sure that gentlemen on the other side would be the very last to admit such a principle in regard to other religious bodies.¹²²

MR. CAUCHON denied that any religious bodies had been refused privileges which were granted to others. He was sorry to find that in Upper Canada there

was a disposition under the name of religious equality, to prevent other men from having a bishop or an archbishop, because certain parties did not want to have such officers themselves. These persons entertained the principles of the French Revolution, and such sentiments would, if not prevented lead to similar consequences here.¹²³

MR. CHAUVEAU would grant no privilege to one corporation that he would not grant to any other; but at the same time he had great doubt of the propriety of letting any corporate body whatever hold an unlimited quantity of land.¹²⁴

MR. AT. GEN. BALDWIN said that so far from this bill establishing a church, it did directly the reverse. There were no such bills as this in England, simply because the Church of England was established there.¹²⁵

MR. SOL. GEN. MACDONALD did not like the principle of incorporating so many religious societies as had been incorporated in Canada, and he hoped it would stop where it was. Now, if no notice had been taken of this bill, at the very moment when the House was seeking to do away with the Clergy Reserves, it was attempted to give a Church in Lower Canada unlimited power to hold land. He saw that the Catholic Diocese of Quebec and Montreal were each restricted to 5000 acres of land. Why then should this new Corporation have admitted power? He then justified those persons, against whom he said the honorable member for Montmorency had directed a tirade, by reminding that gentleman of the state of inferiority in which they had been hitherto kept. They were as good people as any in the Province; but they would continue to adhere to the principles of perfect religious freedom they had always professed. Now it was very well to boast of what had been done for equality in Lower Canada by the members of the church of Rome; but it must be recollected that whatever power might be given to other Churches; the Church of Rome in a very few years, must tower far above them all. They should remember, too, that the British Government though a Protestant Government had secured the religious rights of the Catholic Church. The hon. member for Montmorency, therefore, need not have taunted other persons as he had done.¹²⁶

MR. MCCONNELL gave credit to the Roman Catholic church for the utmost liberality in dealing with other denominations.¹²⁷

MR. MORRISON replied.¹²⁸

(114)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Hall, Hopkins, Solicitor General Macdonald, Mackenzie, Morrison, and Smith of DURHAM.--(6.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Dickson, Duchesnay, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hincks, Johnson, Lacoste, Laurin, Letellier, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McConnell, McLean, Méthot, Meyers, Polette, Prince, Richards, Robinson, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Taché, and Wilson.--(49.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Boulton of TORONTO, Bouthillier, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Dickson, Duchesnay, Flint, Fortier, Fournier, Fourquin, Gugy, Guillet, Hincks, Johnson, Lacoste, Laurin, Letellier, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McConnell, McLean, Méthot, Meyers, Polette, Prince, Richards, Robinson, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Taché, and Wilson.--(49.)

NAYS.

Messieurs Hall, Hopkins, Solicitor General Macdonald, Mackenzie, Morrison, and Smith of DURHAM.--(6.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Carleton General
Protestant Hos-
pital Bill.

The Order of the day for the second reading of the Bill to incorporate the County of Carleton General Protestant Hospital, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Wilson, seconded by Mr. Malloch,
The House adjourned.

[WITHDRAWN PETITION RE: SETTLER ON CLERGY RESERVE.]¹²⁹

MR. MACKENZIE moved to refer to a select Committee the petition of Mr. Cameron, of Thorah, a settler on a Clergy Reserve lot, who complained of injustice in reference to it.¹³⁰

MR. COM. CR. LANDS PRICE explained the case, and opposed the motion¹³¹. Mr. Price ... said that Mr. Cameron was a squatter.¹³²

During the conversation on the subject, a little "scene" on a point of order took place, in consequence of Mr. Mackenzie having spoken more than once.¹³³

MR. AT. GEN. LAFONTAINE attributed the hon. member's attacks on the Ministry to "personal pique"¹³⁴.

MR. MACKENZIE exclaimed "Order! the hon. member has no right to accuse me of bad motives."¹³⁵

SIR A. MACNAB here stood up very hastily and called upon the Speaker to preserve order.--There was a rule of the House that forbade any hon. member from speaking more than once¹³⁶, on the same subject.¹³⁷ He would be glad to know if the hon. member for Haldimand was to be an exception.¹³⁸

MR. MORIN the SPEAKER declared that Mr. Mackenzie should not be allowed to go further, and maintained his decision in spite of Mr. Mackenzie's demand to be allowed to explain.¹³⁹

[The petition] was finally withdrawn.¹⁴⁰

FOOTNOTES: 25 JUNE 1851.

1. BRITISH COLONIST, 27 June 1851, commented that: "Not much business was done, but a good deal of irrelevant debating took place."
2. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN (Weekly), 27 June 1851, BRITISH COLONIST, 27 June 1851, MONTREAL TRANSCRIPT, 1 July 1851, PILOT, 3 July 1851; MORNING CHRONICLE, 26 June 1851, PILOT, 26 June 1851, MONTREAL TRANSCRIPT, 26 June 1851, BATHURST COURIER, 1 July 1851, and LA MINERVE, 27 June 1851. The debate was also reported by GLOBE, 28 June 1851. MONTREAL GAZETTE, 26, 30 June 1851, noted the debate. MONTREAL GAZETTE, 30 June 1851, commented: "The discussion on the Great Western Railway ... consumed some two hours...."
3. GLOBE, 28 June 1851.
4. NORTH AMERICAN (Weekly), 27 June 1851.
5. GLOBE, 28 June 1851.
6. NORTH AMERICAN (Weekly), 27 June 1851.
7. GLOBE, 28 June 1851.
8. NORTH AMERICAN (Weekly), 27 June 1851.
9. GLOBE, 28 June 1851.
10. IBID.
11. NORTH AMERICAN (Weekly), 27 June 1851.
12. GLOBE, 28 June 1851.
13. NORTH AMERICAN (Weekly), 27 June 1851.
14. GLOBE, 28 June 1851.
15. NORTH AMERICAN (Weekly), 27 June 1851.
16. GLOBE, 28 June 1851.
17. IBID.
18. NORTH AMERICAN (Weekly), 27 June 1851.
19. GLOBE, 28 June 1851.
20. NORTH AMERICAN (Weekly), 27 June 1851.
21. GLOBE, 28 June 1851.
22. NORTH AMERICAN (Weekly), 27 June 1851.
23. IBID.
24. GLOBE, 28 June 1851.
25. NORTH AMERICAN (Weekly), 27 June 1851.
26. GLOBE, 28 June 1851.
27. IBID.
28. NORTH AMERICAN (Weekly), 27 June 1851.
29. GLOBE, 28 June 1851.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. NORTH AMERICAN (Weekly), 27 June 1851.
35. GLOBE, 28 June 1851.
36. NORTH AMERICAN (Weekly), 27 June 1851.
37. GLOBE, 28 June 1851.
38. NORTH AMERICAN (Weekly), 27 June 1851.
39. GLOBE, 28 June 1851.
40. IBID.
41. NORTH AMERICAN (Weekly), 27 June 1851.
42. IBID.
43. GLOBE, 28 June 1851.
44. IBID.
45. IBID.

46. NORTH AMERICAN (Weekly,) 27 June 1851.
47. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN (Weekly), 27 June 1851, BRITISH COLONIST, 27 June 1851, MONTREAL TRANSCRIPT, 1 July 1851, and PILOT, 3 July 1851. The debate was also reported by GLOBE, 28 June 1851.
48. NORTH AMERICAN (Weekly), 27 June 1851.
49. IBID.
50. IBID.
51. IBID.
52. GLOBE, 28 June 1851.
53. IBID.
54. IBID.
55. NORTH AMERICAN (Weekly), 27 June 1851.
56. IBID.
57. GLOBE, 28 June 1851.
58. NORTH AMERICAN (Weekly), 27 June 1851.
59. GLOBE, 28 June 1851.
60. IBID.
61. IBID.
62. IBID.
63. NORTH AMERICAN (Weekly), 27 June 1851.
64. GLOBE, 28 June 1851.
65. NORTH AMERICAN (Weekly), 27 June 1851.
66. GLOBE, 28 June 1851.
67. NORTH AMERICAN (Weekly), 27 June 1851.
68. GLOBE, 28 June 1851.
69. NORTH AMERICAN (Weekly), 27 June 1851.
70. GLOBE, 28 June 1851.
71. IBID.
72. IBID.
73. The following papers reported this motion in identical accounts: NORTH AMERICAN (Weekly), 27 June 1851, MONTREAL TRANSCRIPT, 1 July 1851, and PILOT, 3 July 1851. The motion was also reported by GLOBE, 28 June 1851.
74. NORTH AMERICAN (Weekly), 27 June 1851.
75. GLOBE, 28 June 1851.
76. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN (Weekly), 27 June 1851, BRITISH COLONIST, 27 June 1851, MONTREAL TRANSCRIPT, 1 July 1851, and PILOT, 3 July 1851. The debate was also reported by: BRITISH COLONIST, 27 June 1851; and GLOBE, 28 June 1851. The debate was noted by: MONTREAL GAZETTE, 27 June 1851; JOURNAL DE QUEBEC, 28 June 1851; and LA MINERVE, 1 July 1851.
77. NORTH AMERICAN (Weekly), 27 June 1851.
78. GLOBE, 28 June 1851.
79. NORTH AMERICAN (Weekly), 27 June 1851.
80. GLOBE, 28 June 1851.
81. NORTH AMERICAN (Weekly), 27 June 1851.
82. IBID.
83. GLOBE, 28 June 1851.
84. NORTH AMERICAN (Weekly), 27 June 1851.
85. GLOBE, 28 June 1851.
86. IBID.
87. NORTH AMERICAN (Weekly), 27 June 1851.
88. GLOBE, 28 June 1851.
89. NORTH AMERICAN (Weekly), 27 June 1851.
90. GLOBE, 28 June 1851.

91. NORTH AMERICAN (Weekly), 27 June 1851.
92. GLOBE, 28 June 1851.
93. IBID.
94. NORTH AMERICAN (Weekly), 27 June 1851.
95. IBID.
96. IBID.
97. GLOBE, 28 June 1851.
98. NORTH AMERICAN (Weekly), 27 June 1851.
99. IBID.
100. IBID.
101. GLOBE, 28 June 1851.
102. NORTH AMERICAN (Weekly), 27 June 1851.
103. GLOBE, 28 June 1851.
104. IBID.
105. NORTH AMERICAN (Weekly), 27 June 1851.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. GLOBE, 28 June 1851.
111. NORTH AMERICAN (Weekly), 27 June 1851.
112. GLOBE, 28 June 1851.
113. NORTH AMERICAN (Weekly), 27 June 1851.
114. GLOBE, 28 June 1851.
115. NORTH AMERICAN (Weekly), 27 June 1851.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. The following papers reported the debate on this matter in identical accounts: NORTH AMERICAN (Weekly), 27 June 1851, BRITISH COLONIST, 27 June 1851, MONTREAL TRANSCRIPT, 1 July 1851, and PILOT, 3 July 1851. The debate was also reported by GLOBE, 28 June 1851.
130. GLOBE, 28 June 1851.
131. IBID.
132. NORTH AMERICAN (Weekly), 27 June 1851.
133. GLOBE, 28 June 1851.
134. IBID.
135. NORTH AMERICAN (Weekly), 27 June 1851.
136. IBID.
137. GLOBE, 28 June 1851.
138. NORTH AMERICAN (Weekly), 27 June 1851.
139. IBID.
140. GLOBE, 28 June 1851.

THURSDAY, 26 JUNE 1851.

(114)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Attorney General Baldwin,--The
Petition of Peter Perry, Esquire, and others, of Upper Canada.

By Mr. Cartier,--The Petition of William Bowman and others, of St. John's
and St. Athanase, Lower Canada.

By Mr. Prince,--The Petition of Messrs. J. and W. Northwood and others, pro-
prietors of Steam Flouring and Grist Mills in the vicinity and Town of Chatham.

By Mr. Dumas,--The Petition of J.P. Shepherd and others, Depositors in the
Montreal Provident and Savings Bank, and others, the Committee representing the
Depositors generally in the said Bank.

(115)

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of F.R. Tranchemontagne and others, Trustees of the Berthier Academy; pray-
ing aid in behalf thereof.

Of J.E. Faribault, Esquire, and others, of the Village of L'Assomption,
County of Leinster; praying that the Municipalities Bill for Lower Canada may
be amended, by providing that the said Village shall not have a separate cor-
porate existence, but be incorporated with the Parish of L'Assomption.

Of Palmer Lee, Esquire, and others, of Upper Canada; praying for the passing
of an Act to relieve all persons practising Physic without license from the
penalties now imposed therefor, making them only responsible for the consequences
of such practice.

Of the Municipal Council of the United Counties of Lanark and Renfrew; pray-
ing certain amendments to the Counties Division Bill.

Of Thomas L. Russell and others, of Merrickville and its vicinity, in the
United Counties of Leeds and Grenville; praying for the passing of an Act to
incorporate the Sons of Temperance of Canada.

Of John Hall and others, of the County Town of Peterborough; praying the
passing of an Act of Incorporation authorizing them to construct a Railway from
some point on Georgian Bay on Lake Huron, to some point on the St. Lawrence
at or near the Towns of Brockville and Prescott.

Of the Municipal Council of the County of Peterborough; praying for the
passing of an Act to incorporate a Company for the construction of a Railway
from some point on the Georgian Bay, through the said County of Prescott.

Of Pierre Dorion, Esquire, and others, of the Parish of St. Charles de
Charlesbourg, County of Quebec; praying that the Bills respectively, intituled,
"The Lower Canada Road Act," and "The Municipalities Act of Lower Canada," may
not pass into Law.

Of the Montreal and Lachine Railroad Company; praying that the Bill to in-
corporate the Montreal and Kingston Railway Company may not pass into Law, un-
less certain provision be made therein for the protection of the rights and priv-
ileges conferred upon the said Montreal and Lachine Railroad Company by their
Act of Incorporation.

Of the Bytown and Prescott Railway Company; praying for the passing of an
Act to amend the Act incorporating the said Company.

Of P. Garon, Esquire, and others, of the County of Kamouraska; praying for
the abolition of certain abuses in the Seigniorial Tenure of Lower Canada, and
for the definition of the rights of Seigniors.

Of Charles Têtu, Esquire, and others, of the County of Kamouraska; praying

for the passing of an Act to repeal the tax imposed upon judicial proceedings and enregistration of titles, for the purchase and repairs of a Court House and Gaol in the District of Kamouraska.

Of the President and Directors of the Quebec Bank; praying for the passing of an Act to amend their Charter, so as to decrease the number of Directors to be elected at the annual meetings.

Of the Directresses of the Charitable Association of Catholic Ladies of Quebec; praying for aid in behalf thereof.

Of P.A. de Gaspé, Esquire, and others, of the Parish of St. Jean Port Joli; praying aid for the construction of a Wharf near the Church of the said Parish.

Of Francis M. Hill, Esquire, and others; praying for an Act of Incorporation under the name of "The Wolfe Island Canal Company."

Of Joseph Charland and others, of the County of Rouville; praying that the Mutual Assurance Law may be so amended as to authorize the Company for the Counties of Chambly and Huntingdon to admit proprietors in the said County of Rouville.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:--

Officers of Jus-
tice Salaries Act
Amendment Bill
(L.C.).

Bill, intituled, "An Act to amend the Act substituting Salaries for Fees in certain cases in Lower Canada:"

Bill relating to
River du Chêne.

Bill, intituled, "An Act to explain and remove doubts under certain Acts passed for the improvement of the River du Chêne."

And then he withdrew.

MR. ROBINSON¹ moved the reference of the petition of Captain McLeod, relative to some land claimed by that gentlemen [sic].²

The motion was opposed by MR. COM. CR. LANDS PRICE, who contended than [sic] Captain McLeod had no claim³.

(115)

Petition of
M. McLeod.

The Honorable Mr. Robinson moved, seconded by Mr. Smith of Frontenac, and the Question being put, That the Petition of Martin McLeod, Paymaster, on half-pay of the 25th Regiment, praying a consideration of his claim for land as a retired Military Officer, be referred to a Select Committee, composed of the Honorable Mr. Price, Mr. Solicitor General Macdonald, Mr. Boulton of Toronto, Mr. Seymour, and the mover, to examine the contents thereof and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.

Arbitrators and
Claims for Damages
under 13 & 14 Vic.
cap. 13.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 3rd instant, praying His Excellency to cause to be laid before the House, a Return shewing the names of the Arbitrators appointed under the 13 & 14 Vic. cap. 13, for appraising the damages sustained by parties in or in consequence of the

construction of the Public Works, the number of claims for damages, the names of claimants, and the respective amounts claimed and allowed, and those paid, and also those (if any) unpaid up to the present time; and also the amount paid to the Arbitrators respectively, and for expenses attendant upon their duties and investigation, and the time occupied therein.

Appendix (A.A.)

For the said Return, see Appendix (A.A.)

Port Hope
Harbour.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 12th May, 1849, praying His Excellency to cause to be laid before the House, copies of any Memorial to the Government of this Province from the inhabitants of Port Hope on the subject of a Survey of the Harbour at that place, with the reply thereto; the Instructions given to Peter Fleming, Civil Engineer, for such survey, together with his survey, reports, plans, and estimates for such Harbour; the Instructions given to Samuel Keefer, Esquire, Civil Engineer, and his report upon that of Mr. Fleming, and any further report thereon, by any Officer of the Board of Works; also, all and every Memorial or Petition from the inhabitants of Port Hope, or of Upper Canada, to the Provincial Government, to assume the said Harbour as a Public Work, the number of signatures, and the reply thereto; also, of any correspondence between the Provincial Government, or any Department thereof, with the Imperial Government or any Department of the same, on the subject of that Harbour, or of the proposed erection of any works for the public defence at that place; and of all and every Instructions given for the survey of any location thereat, by any De-

(116)

partments of the Imperial Government, for such purpose, as well as the plans, surveys, estimates, and reports thereon; together with a Statement of the Loan by the Provincial Government to the Harbour Company there, shewing the original amount loaned, the different payments made, and the balance with interest still due thereon, and a copy of the bond or other security given for the payment thereof.

Appendix (B.B.)

For the said Return, see Appendix (B.B.)

Mutual Fire
Insurance
Company Bill,
(L.C.).

Mr. Jobin reported from the Select Committee on the Bill to authorize the establishment of a second Mutual Fire Insurance Company for the Country parts of Counties in Lower Canada in which there are large Cities or Towns, and to which was referred the Petition of P.P. Russell and others, of the County of Missisquoi, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill, with the amendments, be printed for the use of the Members of the House.

First Report of
Committee on
Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the County of Carleton General Protestant Hospital, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Carleton General
Protestant Hos-
pital Bill.

Ordered, That the Bill to incorporate the County of Carleton General Protestant Hospital, as reported from the Standing Committee on Miscellaneous Pri-

vate Bills, be committed to a Committee of the whole House, for Monday next.

Petitions
referred.

Ordered, That the Petition of the President and Directors of the Quebec Bank, and the Petition of the Town Council of the Town of Brantford relating to

the Grand River Navigation Company, be referred to the Standing Committee on Standing Orders.

Seigniorial
Tenure.

Ordered, That the Petition of P. Garon, Esquire, and others, of the County of Kamouraska, and, also, all other Petitions on the subject of the Seigniorial

Tenure in Lower Canada received by this House up to this day inclusive, and which have not already been referred, be referred to the Select Committee on Seigniorial Tenure in Lower Canada.

Patent Office
Bill.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to promote the progress of the useful Arts by the establishment of a Patent Office (in connection

with the Provincial Secretary's Office,) and a Museum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. W. BOULTON⁴ of Toronto moved for copies of the petition of John Coppin to the Board of Directors of the Provincial Asylum,⁵ containing certain charges against the management of the institution⁶, and for all evidence relating to the same.⁷ The hon. gentleman stated that within the last three months fifteen deaths had taken place, a number wholly unprecedented even in the calamitous periods of the cholera and emigrant fever, and that the most alarming reports were in circulation as to the cause. Within the same period eleven servants of the institution were dismissed, and to the substitution of a new class of servants, who are unacquainted with the patients, their tempers and dispositions, was attributed the unprecedented mortality that had taken place. I understand that the Board of Directors have had under consideration the charges contained in the petition of Coppin, and a Committee of that body has made a report on the fact, from which it appears that the medical superintendent is subject to serious infirmities of temper, and possesses other faults,⁸ one of which was ... using very improper language not only to persons employed in the institution, but towards other persons who called there.⁹ Which, in the opinion of many persons, go far to disqualify him for the important situation he holds.¹⁰

The motion was opposed by MR. AT. GEN. BALDWIN on the ground, that these complaints had only been made by a discharged officer after his discharge.¹¹ He thought it was improper that all the papers relating to the case should be produced whenever a servant was dismissed.¹²

MR. SHERWOOD believed Dr. Scott to be everything that a medical man ought to be; but still thought when complaints of this kind were made, the House should if any members desired it, be informed of what they were¹³, and their doing so did not imply that any thing was wrong. He did not say that he believed the rumours abroad, but there was this fact, that an unusual number of deaths had lately occurred there.¹⁴

MR. H. SMITH of Frontenac, joined in this opinion, and pointed out the inconsistency of the Attorney General,¹⁵ (Baldwin's) course on the present occasion, and that when the petition of the late Warden of the Penitentiary was under discussion. Then the evidence of dismissed servants was first rate;¹⁶ these were the parties particularly selected to give evidence against the late

Warden of the Penitentiary¹⁷, now it is worth nothing.¹⁸ It was most important that there should be confidence in this institution¹⁹. Persons who had relatives in the institution would be better pleased if the information were granted²⁰, and he should vote for inquiry.²¹

MR. INSP. GEN. HINCKS knew nothing about the charges; but he thought the course being taken was not the best to create public confidence in the persons in charge of the institution. Coppin ought to have brought his case before the government in the first instance; and if he had failed to obtain justice he could then have had recourse to this house.²²

MR. W. BOULTON said perhaps Coppin was in the institution when Dr. Park was dismissed, and perhaps he was aware that Dr. Park appealed to the government and got no justice. The complaint of Coppin was of mismanagement in the institution. He was not, as the Attorney General had said, dismissed; he resigned; and if he were dismissed, it was²³ in the same way as the hon. member for Essex, who resigned first and was dismissed afterwards. Now all he knew was that fifteen deaths had taken place in the institution in three months, which was more than ever took place before in the same period, even during the time of fever and cholera. In the same time eleven old servants had been discharged and thus it would appear that, perhaps, the deaths might have occurred in consequence of the absence of those who understood their management. It was said that the directors were respectable men,--well, he could inform the House, that one of them had urged him to prosecute inquiry.²⁴

MR. MERRITT said the number of deaths were [sic] enormous; the alleged facts stated had not been denied by the government, and unless they gave some good reason he should vote for the motion.²⁵

MR. COM. CR. LANDS PRICE said it was a most extraordinary thing that all complaints respecting that institution came from dismissed servants. The mode of proceeding on the part of the mover looked as if it had some political object in view. If there had been so many deaths and if they had resulted from mismanagement, why was it that no complaint had been made in the press or otherwise.²⁶

MR. W. BOULTON said one of the Directors had stated to him that he was anxious to have the enquiry.²⁷

MR. J. CAMERON asked if the government could deny that fifteen deaths had occurred in the Asylum within three months.²⁸

MR. AT. GEN. BALDWIN--No.²⁹

MR. J. CAMERON--There were various rumours out of doors as to the cause of the deaths that had occurred, and it was highly important that the information should be granted.³⁰

MR. J. SMITH of Durham complained that a classified return of the patients had not been placed before this house at an early period of the session. The fullest information ought to be given to the public respecting this institution above all others. It was well known that in all institutions of this kind on this continent full reports of every thing relating to all the patients, their treatment, and every improvement that took place were given. He knew that in Utica it was discovered by discharged keepers that the worst cases of cruelty had been practiced; and he thought therefore that it was no reason for withholding the information because the charges were made by a dismissed keeper.³¹

MR. W. BOULTON then enlarged his motion so as to include the number of patients and the number of deaths, as well as how many servants had been dismissed.³²

MR. AT. GEN. BALDWIN withdrew his objection; he had no wish to withhold any information of a general nature.³³

(116)

On motion of Mr. Boulton of Toronto, seconded by Mr. Seymour,

Provincial Lunatic Asylum.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of the Petition of John Coppins to the Board of Directors of the Provincial Lunatic Asylum, containing various charges against the management of that Institution, and of all the evidence taken relative to the said Petition, together with the result of such investigation and the Report of the Directors thereon; with a Return of the number of Patients received within the present Asylum since its occupation, the number of deaths, the causes of such deaths, and the dates at which they occurred, and also, the number of Servants, the offices held by them, who have resigned their situations within the same period, or been dismissed from service by the Directors of the Institution, with the date of such resignation or dismissal.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill relating to Mechanics and others.

Ordered, That Mr. Boulton of Toronto have leave to bring in a Bill for the better security of Mechanics and others erecting buildings and furnishing materials therefor, in the several Cities and Towns in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Boulton of Toronto, seconded by Mr. Stevenson,

Lunatic Asylum and Toronto Normal School.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Return shewing the annual sum payable under the provisions of the Act 13 & 14 Vic. cap. 68, for interest on all Debentures issued on account of the Lunatic Asylum and Normal School at Toronto, now outstanding.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Manufactures Encouragement Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Toronto and Guelph Railway Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to amend an Act, intituled, "An Act for incorporating the Toronto and Goderich Railway Company," and to continue the same as amended, under the name of "The

Toronto and Guelph Western Extension Railway Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Toronto General
Burying Ground
Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to authorize the Trustees of the Toronto General Burying Ground to acquire an additional lot of land.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to
the Seignioriness of
Chateauguay.

Ordered, That Mr. Sauvageau have leave to bring in a Bill to detach the Seignioriness of Chateauguay from the Judicial Circuit of Montreal, and to annex it to that of Beauharnois.

(117)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. MACKENZIE³⁴ moved for a Special Committee to draft and report a Bill for the abolition of the Court of Chancery, and for conferring Equity power upon the Courts of Common Law,--as also, a Bill to provide for the abolition of the present form of Pleadings in cases at Common Law, and to substitute a uniform mode of proceeding in all cases, &c.³⁵ He had been desired by many of his constituents to attempt to procure the abolition of the Court of Chancery. He objected strongly to the mode in which the Chancellor obtained his present situation. He agreed with the hon. member for Hamilton that a law should be passed preventing members of this house accepting office under the Crown.³⁶ The hon. member quoted the remarks of the hon. member for Essex last year, in opposition to the Court of Chancery, together with those of Mr. Badgley, who had said there was no reason why there should be any distinction between law and equity.³⁷ The hon. gentleman said if every suitor knew exactly whether he should bring his case in Chancery or at law, if the distinction between the two were so marked that any man could understand and see it, it would be all very well.³⁸ If there were wanted an additional reason for this course, besides the inflictions of this Court on the people, it would be found in the manner in which the present Chancellor, and other Chancellors in England were appointed. To show the temptation this office held out to political lawyers, he read an extract from Lord John Russell on the ... British constitution³⁹ to the effect that many of the proceedings in Chancery could not be studied as a science but must be learned as an art⁴⁰ and then cited the States in which the Court of Chancery did not exist, or had been abolished by the indignation of the people.⁴¹ The State of New York originally adopted the English system of Chancery; but in 1846, they found it necessary to abolish it and united equity and law in the same tribunal. Ohio had done the same.⁴² He also mentioned one or two cases of great hardship which had taken place in Chancery Courts⁴³, and ... cited the case of the hon. Mr. Leslie in which he was fleeced by this court.⁴⁴ Indeed the evidence in Chancery suits was taken in a manner totally different from law courts. In the latter the witness came before the Court and all present saw if he looked and spoke like an honest man; in Chancery witnesses were examined in a closed room, with lawyers at their elbow telling them how they might avoid committing themselves.⁴⁵ This information is transmitted to judges who probably never saw the witnesses, who had

had no opportunity of seeing how they gave their evidence, for them to form their judgments on that evidence.... [This] practice ... prevailed in every County of Upper Canada but the County of York.... The practice of the Court was arbitrary.... One Judge would be sufficient to decide cases, but he should see and examine the witnesses. There was no end to many of the cases in Chancery, unless they were taken out and settled by arbitration.⁴⁶ The costs in this court were enormous. When the measure was first brought in, a gentleman moved that the lawyers should never get more than half the property. That gentleman was laughed at; but⁴⁷ the Christian Guardian had stated a case in which £30 was the cause of actions, and the costs £200; last session the member for Middlesex had stated a case where £15 was the cause of action and the costs £200.⁴⁸ So with Mr. Charles Thompson; he sued⁴⁹ the Home District Mutual Insurance Company⁵⁰ for a difference between them of £50, and the costs where [sic] £400.⁵¹ [OR] the expense was £1000.⁵² There was again a case of Leslie against Crooks, which some time ago created a great deal of discussion; and it was said that but for that suit a gentleman who was recently appointed judge would not have been appointed, and another gentleman would have been appointed. That was the story.⁵³ In Nova Scotia the House of Assembly had come to a resolution to appoint a Committee to draft a bill to abolish the Court. The hon. gentleman then read an extract from the Nova Scotian condemning the Court of Chancery in that Province, and demanding its abolition.⁵⁴ [OR] In Nova Scotia they had already abolished the Equity Courts, and this, according to the Nova Scotian, had diminished the law expenses by one half.⁵⁵ A large part of the business of that Court could be much better managed by the Law Courts. In 1846, a motion was made in the House of Assembly for a committee to consider the propriety of abolishing this court; 29 voted for the motion, and only 30 against it. If such was the opinion at that time; if Upper Canada had always been opposed to that Court, why should it not be abolished? A return of the cost of cases in Chancery had been called for by an address to His Excellency; but it had not been furnished. In Nova Scotia the government was more noble; it furnished the Legislature [with] information of this kind, the statistics of which the hon. gentleman cited⁵⁶ on an average £140 each.⁵⁷ He had no doubt that the average cost of cases in Chancery in Canada was \$10,000 or \$15,000. The government had been asked for information respecting the money in court, and whether it had been placed in hands who had given security; but we had got no information and should no doubt be put off by excuses from time to time. Having quoted the opinions of Oliver Cromwell and John Wesley against the Court of Chancery as a separate tribunal, he enquired how does the Chancery system work: a question which he answered by quoting the language of Judge Parker. If we are to have courts of law the evidence ought to be taken openly. Mr. Mackenzie then quoted the opinion of Mrs. Jamieson, wife of the late Vice-Chancellor to the effect that the judge of that court here had far greater power than the Councillor in England, a power that would be very dangerous in bad hands.⁵⁸

COL. PRINCE would support the motion. He received with some degree of respect the taunts of the member for Haldimand, that he (Mr. P.) had been in former days, a supporter of this court; but he would never have supported it if he had not believed that the business could not be done by one judge. He felt ashamed that in this young country a ministry could be found that would appoint three judges to that court. No one ought deny that equitable jurisdiction was necessary in this country.⁵⁹ He recollected that when he first came to this country there were no means to settle accounts between parties; to take care of minors; or to have custody of the estates of lunatics, and he contended now, as then, that the country required an equitable jurisdiction.⁶⁰ It was when there was no equitable jurisdiction that he (Mr. P.) was the first

to suggest to the late Mr. Hagerman the establishment of a court of equity: but he would never have done so, and he was satisfied [sic] that Mr. Hagerman would never have consented to the establishment of the court if he had not thought that the business could be done by one judge. The great evil of this court as had been well observed by the member for Haldimand, was its enormous costs and delays causing men to break their hearts before their cases could be settled.⁶¹ What was wanted was a speedy way of attaining this equity.... But compare our Chancery Court with those of England.⁶² In England, till 1830 he thought it was in that immense empire, the largest and richest in the world, the whole equity business⁶³ was conducted by three Judges, one of whom could afford but a small portion of his time to court business, as his time was required as Speaker in the House of Lords. Now it is a fact that in the whole chancery business of that great empire, up to 1830, was conducted by the same number of judges as we have in this little Province of Upper Canada. Was not some reform, therefore, called for. He would, therefore, vote for the motion in reference to the appointment of a committee although he did not think that at this present time much good would result from it. The session was too far advanced for the measure to be handled properly, for he would be very sorry if he thought he would be kept here three weeks longer than we have been.⁶⁴ He desired to enquire into the working of the system in Lower Canada.⁶⁵ In regard to the appointment of his son as Deputy Registrar in the court of chancery, he would say he was appointed, not because it was an office of emolument, but because the chancellor and the Judge thought him worthy to appointment by reason of his steady habits, ... his persevering industry,⁶⁶ and his acquirements as a young lawyer. As to the emoluments, it was not worth \$10 a year to him.⁶⁷ He had advised him to accept it, because it would be the means of saving a great deal of⁶⁸ inconvenience and expense⁶⁹ to his clients, to manage their business without sending every one of them to Toronto. It was not his inclination to do so, but because it was a compliment to his talents and integrity; he did accept the office.⁷⁰

MR. AT. GEN. BALDWIN took it for granted that the recent change the had taken place would produce great improvement, and every exertion was being made by the Judges to adapt the Court to suit the wants of the country. He thought that the House would be stultifying itself, were it to appoint a committee for the purpose of abolishing that Court at present, so lately after passing laws that it be remodelled⁷¹ only two years ago.... He thought it would not be respectful to the house for him to dwell longer on the question.⁷²

MR. H. SHERWOOD voted for the re-organization of the Court of Chancery in 1849, because he thought⁷³ and still thought⁷⁴ in any important case, it was more satisfactory to have a decision by a majority of three Judges⁷⁵ than one, but after a trial of some time he saw no reason for continuing a bad system. The hon. gentlemen [sic] then quoted the opinion of eminent jurists in favour of vesting equity jurisdiction in the law courts.⁷⁶ It had ... been found that the course taken in the United States was a wise one; and when Mr. Dudley Field, one of the commissioners of the State of New York, was lately in England, he was examined by a committee of Parliament. The explanation he gave of the charges in New York were perfectly satisfactory, and a very eminent lawyer who presided at a dinner subsequently given to Mr. Field, stated that he could see no objection to the abolition of the Court, except the political connection of the Lord Chancellor with the government⁷⁷ and he could not rid himself of the belief that it would be far more advisable for us to do away with the Court of Chancery as a separate Court, and give the equity power to the Judges of Common law. The hon. member then referred to some cases which had been brought up at Chancery, to shew the obnoxious nature of that Court, both as to the delay

of proceedings and the enormous expenses which were necessarily connected with any suit brought in there, and stated that wherever you go throughout the country there is one universal opinion [which] pervades the people, as to the necessity of doing away with the Court of Chancery⁷⁸, and this without respect to political opinion. The party with whom he acted were almost universally in favour of abolishing the Court. When the government knew the high character of the judges of the law courts, he was astonished that they hesitated a moment to vest these courts with equity jurisdiction.⁷⁹ What harm could there be in trusting to the Judges of Queen's Bench or the Court of Common Pleas, the power of dealing equitably with every matter which comes before them?⁸⁰ If this were done when the judges found suitors could not obtain justice at law, they could then apply principles of equity.⁸¹ The hon. member for Haldimand had regretted that no other person introduced the Bill. Several gentlemen were determined to take it up. The member for Norfolk had already a Bill in preparation on the subject, who, if the motion was referred to a Committee, would be able to lay it before them for consideration.⁸²

MR. H. SMITH (Frontenac) did not see what the remarks of the hon. Attorney General had to do with the motion. He looked upon this as the most important question that had been brought before the House⁸³ this session,⁸⁴ and although he generally differed from the member for Haldimand, he would vote for the motion. He was surprised at the Attorney General stating that he did not think the House should vote for this motion, as they would stultify themselves, when the re-organization of that Court had taken place only two years ago. If two years ago they had re-organized a Court which is giving dissatisfaction, would we be stultifying ourselves if we did away with it. The hon. Attorney General said there had been no complaints against the Court since it was re-organized.⁸⁵

MR. AT. GEN. BALDWIN did not say so.⁸⁶

MR. H. SMITH would tell him of some; he then proceeded to refer to several cases of hardships [*sic*] experienced by suitors being obliged to go from one Court to another, in order to try to arrive at justice.⁸⁷ The hon. gentleman then mentioned some cases in which the Chancery judges had not attended to their duty and their cases had been sent down to be tried by the law courts. He instanced a case in which the judge of the law court told a party he had no remedy at law; but that he had nothing to do but take out his bill in Chancery. He did so but Mr. Chancellor Blake told him that he must give up possession of his property to the other party, who in equity and good conscience had no right to it.⁸⁸ Now, how did they do in Lower Canada? They had no Chancery Court there, and he believed the decisions of the Superior Court there gave great satisfaction, for the very reason that they administered both law and equity.⁸⁹

MR. MEYERS spoke against the court.⁹⁰

MR. SOL. GEN. MACDONALD was not prepared to say that the people of the Province had a great liking to this Court, and though a great reduction had taken place in the costs, they were still enormous.⁹¹ Thus, on a recent occasion, five witnesses were examined, and the Master charged £6 10s. 0d. He thought it very desirable, for instance, for the Chancery Judges, instead of allowing evidence to be taken by witnesses, to go [on] circuit themselves. He could see no reason indeed why equity could not be administered by common law judges; but at the same time he⁹² considered ... that although the feeling of the people of the country was not in favor of the Court of Chancery, yet the motion would only have the effect of causing greater dissatisfaction with the Court, without producing any good effect, for that reason he was not prepared

to support the measure; the matter was too large for a Parliamentary Committee, and⁹³ if it were desirable that law and equity should be united, the change should⁹⁴ rather be confined to a standing Committee of the most eminent professional men, aided by gentlemen not in the profession.⁹⁵ He saw no reason why equity powers should not be given to the law courts; but though he was not in favour of the Court of Chancery he could not support the motion for the reasons he had stated.⁹⁶ He mentioned a case in which two or three words were omitted in a deed, drawn by a Montreal Notary, which omission still left no doubt of the intention of the parties, but obliged the suitors to go to the Chancery Court.⁹⁷

MR. RICHARDS said the principle [*sic*] reason why such a court was established here was, that it was upon the basis of the system of England, and they had consequently the best legal talents working for them, and had the power of settling cases by the authority there brought forward. The reason the Chancery Court was remodelled was the necessity of a good Court of Appeal, and the most ardent supporter of the measure was the hon. member for Toronto. The argument that Lower Canada had no Chancery court was, in his opinion, very much against the present proposition, for he could appeal to his honorable friends from that part of the country to say whether there was the same confidence placed in the Judges there, which was felt on all hands in Upper Canada. He believed that arose from Lower Canada judges having to administer two jurisdictions.⁹⁸ Again, the Courts of Upper Canada now had the decisions in England for a guide; but he did not see how that could continue if the present system were abolished.⁹⁹ The Court had been much improved and was still capable of¹⁰⁰ great improvement¹⁰¹, but he thought it would be a wrong course to approve of the motion before the House.¹⁰² He thought a limited equity jurisdiction ought to be given to the law courts. The Court of Chancery was inaccessible to the mass of the people. He desired to see the court fairly tried.¹⁰³

MR. H. BOULTON went at some length to shew the necessity for a change in the system. He contended that equity judgment could be given by a Common Law judge equally well, and there was no necessity for a separation. He had not heard a solitary reason why this measure should not be adopted. They had waited a great many years and they did not want more experience to know of the working of the Chancery Courts. He did not care who the judges are, the system is bad in itself, and ought never to have been adopted in this country. Hon. members had objected to the principle of blending the judgments. But it might as well have been said that judges would not be able to distinguish between an action of trespass and an action of trover. The best equity judges that ever sat in England were the best common law judges. All that was necessary was to simplify the machinery for ascertaining the facts of the case, for it is in ascertaining the facts the great expense is incurred. There was not the slightest difficulty in a judge being as able to give a good judgment in equity as in common law. He did not pretend to doubt, for instance, that the opinion of Chancellor Blake would not be as good in equity, if he were also called upon to give judgments in common law. He did not believe that it was true as stated by Hon. members that it was owing to the judges of Lower Canada being called upon to decide questions of law and equity together, that their opinions were not considered so valuable as those of the Upper Canada judges; but because the system of law was different, and its principles not so well established. He had prepared a measure, with much trouble, founded upon the system of the State of New York; and hoped the bill would be in the hands of members on Monday next. His plan was to make one court to consist of six judges [*sic*], four might sit together, or two only in each division of the court when there would be much business. He would also have another judge to hear another class

of cases. All the six to sit in equity after the term, and perform the functions of the Chancellor in England, to sit upon all those cases in which the parties were dissatisfied.¹⁰⁴ He believed that six judges would form a better court of appeal than nine. There could not be a worse number than nine; there might be four on one side, and four on the other side, and the weakest intellect of the whole would give the casting vote. If there were eight or even ten, and they were equally divided, the result would be a negation and the decision would not be altered. In England only four judges sat in Appeal, and the reason is that they can decide better than a larger number. It was indispensable that there must be equity jurisdiction where the common law of England prevails; but there was no reason why it should not be in one court as well as half a dozen.¹⁰⁵ He believed the expense of separate courts was altogether too great for this province. By such a system as would be provided, a great saving would be effected, and he hoped the measure of the honorable member for Haldimand would prevail.¹⁰⁶

MR. INSP. GEN. HINCKS felt that it was presumptuous to say a word on the subject. He thought some of the lawyers who had spoken had exhibited very questionable taste in citing cases tried in the Court of Chancery, giving their own version of cases tried in the courts.¹⁰⁷ The question is one of great importance, for there was no doubt that the Court of Chancery had been unpopular in Upper Canada. The whole system for the administration of justice in Upper Canada was in a very unsatisfactory state,¹⁰⁸ a curse to the country¹⁰⁹, prior to the time these measures were passed by the reform administration. During the time the honorable member for Toronto was in the administration, and even when the Court of Chancery was considered a curse to the country, they did nothing to remedy it. And nothing was done until the present administration came into office, when a committee of professional gentlemen of the highest talent, consulted together as to the improvements that ought to be made in the administration of justice. All the measures they recommended were cheerfully acceded to by the government. Whether that commission had decided wisely or not he would not pretend to say: but certainly those gentlemen who were supporting the present action are voting against the very measures they then supported. It was a great responsibility the honorable member for Norfolk and the honorable member for Toronto were taking upon themselves in endeavoring to create dissatisfaction in the public mind, in reference to this Court. If there is dissatisfaction in the country it is owing, in a great measure, to the attempts made to create dissatisfaction. As to the best mode of administering equity, he should like to know if eminent members of the legal profession were not the best fitted to favour a judgement upon that point, in preference to the voice of a popular assembly that could be found in any portion of the Province.¹¹⁰ He (Mr. H.) for his own part could not say whether the committee had decided wisely or not for he made no pretension to legal knowledge.¹¹¹ He admitted on all hands that there have been improvements, and there would be further improvements. If he thought since they had made a great change, and being made by competent parties at the time, it would be very inconvenient to disturb these arrangements at present. The hon. gentlemen [*sic*] alluded to the remarks made in reference to Mr. Chancellor Blake, and said if there is in the whole Province a gentleman incapable of being actuated by selfish motives, Mr. Chancellor Blake is that man, and nothing could be more unjust than to say the he supported the measure for the establishment of the court from personal motives of gain, as his professional emoluments, and position at the bar placed him above them. He would oppose the motion as he felt satisfied there was an increasing confidence in the Court of Chancery.¹¹²

MR. G. SHERWOOD said the debate that night had shewn that the Chancery Court was now more unpopular than when first established, as the members who had then voted and spoke for it, now spoke against it. He referred to the division that had taken place on the bill, and contended that it would have been better to have adopted his proposition, and have only had one judge for this court. He shewed some inconveniences of the present court, and also of the Court of Appeals, which he believed would also go with the Court of Chancery. He should vote for the motion. It accorded with the views he had always held, and the change of opinion he noticed in the House.¹¹³

MR. J. CAMERON opposed the proposition of abolishing the Courts of Chancery without giving it a farther trial than it already had had. He entered into the history of the establishment of the present courts, and made some remarks upon the English and New York systems. That of New York was only an experiment, and it remained to be tried. It might answer, and it might not. Our court had only been established two years. Some reforms had been effected, and others were contemplated. Many vexatious expenses had been abolished.¹¹⁴ He was not prepared to support the motion unless the committee would be empowered to report in such a way as to induce the government to appoint a commissioner to enquire into the propriety of giving equal jurisdiction to Courts of Common Law.¹¹⁵ He would not vote for its abolition.¹¹⁶

MR. MACKENZIE said we had the opinion of the Attorney General of 1848, and also, the opinion of the Attorney General for 1818. The first was afraid of having a committee to report a bill for abolishing the Court; while the Attorney General of 1818, who had a much longer experience, and he had a bill already prepared for abolishing the Court of Chancery, and conferring equity jurisdiction on the law courts. He hoped he (Mr. Boulton) would be placed on the committee. This question had been before the country for years; in 1862 the opinion of the Chief Justice was against a separate Court of Chancery. In Lower Canada they had no Court of Chancery: in 15 of the United States they have none; in France they have none. He then read the opinions of Sidney Smith on the Court of Chancery; and of an eminent American jurist in favor of the open system of taking evidence. We wanted no commission to do what a committee could just as well. If a committee were not granted the house would, at the second reading of the bill of the hon. member for Norfolk, have all these arguments over again.¹¹⁷

MR. J. CAMERON could not vote for a Committee with instructions to report by bill; but he would support the motion if the words "or otherwise" were added. The Committee would then report by bill or otherwise, as they might deem desirable.¹¹⁸

MR. MACKENZIE said he would cheerfully adopt the suggestion.¹¹⁹

MR. J. SMITH, of Durham, made a few remarks.¹²⁰

MR. INSP. GEN. HINCKS asked if he was to understand that the addition would pledge the House to the abolition of the Court of Chancery. If so, he would vote against it; but he would not object to an enquiry.¹²¹

MR. J. CAMERON only understood that the motion would be for an enquiry.¹²²

MR. AT. GEN. LAFONTAINE said the Court of Chancery was established by bill, and must be abolished by bill.¹²³ [He] said the motion would pledge the House to abolish the Court.¹²⁴

Other members took the same view.¹²⁵

MR. J. CAMERON and others still held that it would not.¹²⁶

MR. MACKENZIE understood by the resolution, as it now stood, that the committee might report by bill if they deemed it desirable, or by recommending a commission; in either case, the object being the abolition of the Court of Chancery.¹²⁷

SIR A. MACNAB expressed himself similarly.¹²⁸

MR. ROSS would support an inquiry into the operation of the Court, without any pledge as to the result; but he would not commit himself at once to the declared object of the motion.¹²⁹

COL. PRINCE, in reply to Mr. Hincks, stated that he did not believe Mr. Chancellor Blake was unable to perform in an able manner, the duties of his office. He was an able man. But there were men in the country better fitted than he, and there was a man in that House better fitted. His appointment was a political job. There were men in the country who had a better claim to the office than he. For instance, he had no claim to be promoted over the head of the venerable Chief Justice Robinson. (Hear, hear.) What had been the career of the Chancellor? Here the hon. member went on to refer to the circumstances of Mr. Blake's election and his career in the House; and also to the passing of the act creating the Chancery Court when the House was surrounded by soldiers in Montreal.¹³⁰

DR. FORTIER made a few remarks to shew that they had given their votes uninfluenced by fear.¹³¹

MR. INSP. GEN. HINCKS said he wished distinctly to understand whether the hon. member for Cornwall would support the motion under a conviction that it pledged the committee to the abolition of the Court of Chancery. He (Mr. H.) could not support it if that were the case.¹³²

MR. J. CAMERON knew perfectly well what he was going to vote for, without the assistance of the Hon. Inspector General.¹³³

(117)

Court of
Chancery.

Mr. Mackenzie moved, seconded by Mr. Hopkins, and the Question being put, That a Special Committee of seven Members be appointed by this House, with instruction to report by Bill, or otherwise, for the abolition of the Court of Chancery, and for conferring Equity powers, in certain cases, upon the Courts of Common Law; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Christie, Chrysler, Jackson, Hill, Hopkins, Johnson, Lyon, Mackenzie, Sir Allan N. Maclean, Malloch, McCallum, McFarland, McLean, Meyers, Prince, Robinson, Sanborn, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, and Stevenson.--(30.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Duchesnay, Evans, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hincks, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Letellier, Solicitor General Macdonald, Méthot, Morrison, Nelson, Polette, Price, Richards, Ross, Sawageau, Smith of DURHAM, and Taché.--(34.)

So it passed in the Negative.

A scene of confusion arose in consequence of Mr. H.J. Boulton getting up¹³⁴.

MR. H. BOULTON, congratulated the people of Upper Canada on the division that had just taken place, and trusted that it would open their eyes to the fact that their wishes on this subject had been frustrated by Lower Canadian members.--(Loud cries of "hear" and "order.")¹³⁵

MR. AT. GEN. LAFONTAINE's reply was nearly audible. He was understood to remind the gentlemen opposite of their former support of the bill establishing the Court of Chancery.¹³⁶ "The members from Lower Canada," said Mr. L., "were doubtless influenced in the vote by the recollection that the hon. member for Norfolk was a prominent supporter of the Chancery Bill passed only two years ago."¹³⁷

MR. INSP. GEN. HINCKS ... added ... "and when Judgeships were to be given away?"¹³⁸

MR. H. BOULTON said the support to which the Hon. Attorney General had referred, was rendered under the bayonnets of the Executive.¹³⁹

MR. CARTIER rose amid loud shouts of order, but his remarks were inaudible amid the shouting.¹⁴⁰

MR. W. BOULTON then arose amid increased shouts of "order" from all parts of the House, the speaker's voice being completely drowned. Mr. Boulton insisted on speaking, as Mr. Lafontaine had done so, and he stated¹⁴¹ that the members for Lower Canada boasted that they never voted on questions pertaining peculiarly to Upper Canada.--Yet he found that in the division that had just taken place, 24 members from Upper Canada voted for the motion, and only 6 in favour of the Court of Chancery. But for the Lower Canadian members, the motion would have been carried. (Shouts of "order.")¹⁴²

The excitement and confusion became indescribable.¹⁴³

MR. MORIN the SPEAKER frantically cried out "order."¹⁴⁴

MR. W. BOULTON maintained the floor, reiterated his statements, and added that the Attorney General East should give better reasons for the votes of his supporters than because the member for Norfolk formerly voted for it.

After a few minutes the noise abated, and Mr. Boulton took his seat.¹⁴⁵

(117)

Public Works.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 26th May, 1851, praying him to cause to be laid before the House, a Tabular Return of all the Plank or Macadamized Roads, Toll Bridges, Mills, Dams, Slides and Harbours, in possession or under the control of the Provincial Government during or since the year 1849; the amount of the annual receipts therefrom; the annual or incidental expenses either of management or repairs, distinguishing each head; the sales that have been effected thereof, or of any of them; the date of such sales respectively; the names of the parties who became such purchasers; the dates at which they were respectively put in possession and receipt of revenues or profits thereof; the amount of purchase money, and terms of payment in each case; the amount of security required, and the security given; and also, Copies of all Correspondence that may have taken place between any Member of the Government and parties negotiating for any such purchases.

Appendix (C.C.).

For the said Return, see Appendix (C.C.)

Census (L.C.).

The Honorable Mr. Hincks also presented, pursuant to an Address to His Excellency the Governor General,

the following Return:--

Return to an Address from the Legislative Assembly to His Excellency the Governor General, of the seventeenth instant, praying His Excellency to cause to be laid before the House, a Return of the different localities in Lower Canada in which the Census has been taken in pursuance of the provisions of the Act 10 & 11 Vic. cap. 14.

By Command,

J. LESLIE,
Secretary.

Secretary's Office,
Toronto, 25th June, 1851.

RETURN of the Census of such Parishes, Towns and Cities, in Lower Canada, as have sent in the Rolls in a perfect state:--

<u>Aylmer</u> , Ottawa County	1,004
<u>St. John's</u> , Village of	2,459
<u>Montreal City</u>	48,093
<u>Buckingham Township</u>	1,290
<u>Lochaber</u>	936
<u>Petite Nation Seigniory</u>	2,610
<u>Montreal County</u>	17,185
<u>Philipsburg Village</u>	445
<u>Quebec City</u>	37,365
<u>Chambly Village</u>	599
<u>L'Assomption</u> "	1,035
<u>Lachine</u> "	1,010
<u>Laprairie</u> "	1,663
<u>Carleton, Bonaventure</u>	753
<u>Shoolbred</u> "	993
<u>Maria</u> "	1,199
<u>New Richmond</u> "	1,114
<u>Ristigouche</u> "	977
<u>Matapedia</u> "	277
<u>County of Quebec</u>	17,166
<u>County of Portneuf</u>	15,905
<u>County of Rouville</u>	23,427
<u>Three Rivers' Town</u>	3,675
<u>Ste. Thérèse de Blainville Village</u>	1,030
<u>William Henry</u> "	2,894
<u>St. Ours</u> "	546
<u>Montmorency County</u>	17,424
<u>Côte St. Louis, Montreal</u>	849
<u>Terrebonne County, viz.:</u> --	
<u>St. Vincent</u>	2,110
<u>St. François</u>	992
<u>Terrebonne</u>	1,926
<u>Ste. Anne</u>	1,550
<u>Lacorne</u>	1,350
<u>Sherbrooke Town</u>	1,006
<u>St. Hyacinthe County</u>	24,790

<u>Gaspé County</u>	2,770
<u>Missisquoi County</u>	12,444
<u>Stanstead County</u>	12,547
<u>Shefford County</u>	12,404
<u>Sherbrooke County</u>	14,765
<u>Richelieu, 8 Parishes</u>	18,219

Of the above Counties, &c., the CENSUS RETURNS are complete.

W. C. CROFTON,
Secretary of Registration.

Ordered, That the two last preceding Returns be printed for the use of the Members of this House.

Courts of
Original Civil
Jurisdiction
Bill, (L.C.).

Ordered, That Mr. Gugy have leave to bring in a Bill to explain and amend the Act of the twelfth year of Her Majesty's Reign, relative to the Courts of Original Civil Jurisdiction in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the ninth of July next.

Bill relating to
Newspapers, &c.

Ordered, That Mr. Gugy have leave to bring in a Bill for preventing mischiefs arising from the printing and publishing of Newspapers, Pamphlets, and Papers of like nature, by persons not known in Upper Canada.¹⁴⁶

He accordingly presented the said Bill to the House and the same was received and read for the first time; and ordered to be read a second time on Wednesday the ninth of July next.

Acceptance of
Office Restriction
Bill.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to restrict the Acceptance of Office in certain cases.

(118)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Interest of
Money Laws
Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on Thursday next, and be then the first Order of the day.

Clergy
Reserves.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Monday last proposed, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make

such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

Ordered, That the said Order of the day be postponed until Monday next, and be then the first Order of the day.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Malloch, seconded by Mr. Dickson,
The House adjourned.

[NOTICE OF MOTION RE: COMMITTEE ON CUSTOMS DUTIES.]¹⁴⁷

MR. CAYLEY gave notice that this day week he would move the House in [sic] Committee of the whole on the expediency of reducing the Customs Duties¹⁴⁸ upon all articles except those entering into competition with the produce or manufactures of the province.¹⁴⁹

[WITHDRAWN MOTION RE: PETITION OF QUEBEC CITY.]¹⁵⁰

MR. ROSS demande que la requête des habitants de Québec, relativement à une demande d'argent, pour l'exploration du Saint-Laurent, dans le but d'y construire un pont suspendu, soit renvoyée au comité des chemins de fer.¹⁵¹

MR. H. BOULTON asked if the ministry intended to make the grant asked for.¹⁵²

MR. INSP. GEN. HINCKS said no.¹⁵³

The motion ... was withdrawn.¹⁵⁴

[QUESTION AND ANSWER RE: COALITION BETWEEN MINISTRY AND OPPOSITION.]¹⁵⁵

MR. CHRISTIE enquired of the Ministry, whether any coalition has been proposed between the present Ministry and the Opposition, or any section or individual member thereof? Also, whether the office of Chairman of the Railway Board or Commission, or any office of a similar kind, has been offered to Sir Allan N. McNab by the Government? And, if so, whether he has accepted or refused the same? Also, whether any office, or offices, under the Government have been offered to Sir Allan N. McNab, or to any other member of the opposition? And, if so, to whom; and whether such offers, or any of them, have been accepted or refused? And, also, whether any communications have been made by the Government on the subject of this enquiry, or any negotiations opened in relation thereto?¹⁵⁶

MR. AT. GEN. LAFONTAINE ... M. Christie, dit-il, est un membre important de l'opposition; si de telles propositions ont été faites à sir Allan MacNab: il a dû être consulté. S'il ne l'a pas été, c'est qu'il n'y a rien, car autrement il faudrait admettre que son partie n'a pas en lui la confiance supposée, et cette admission n'est pas possible!¹⁵⁷ [This] provoked peals of laughter.¹⁵⁸

MR. CHRISTIE ... continua en demandant si sir Allan avait ou non refusé.¹⁵⁹

MR. AT. GEN. LAFONTAINE.--Je ne sais si sir Allan a ou non refusé, mais je sais que la situation dont parle M. Christie n'existe pas. (On rit.)¹⁶⁰

MR. CHRISTIE est obligé de rire avec les autres, mais il veut, s'il est possible, quelque chose de plus catégorique.¹⁶¹

Alors MR. AT. GEN. LAFONTAINE se lève et lui répond. Jusqu'ici j'ai répondu sur le ton du badinage; mais je n'hésite pas à affirmer qu'il n'y a rien de vrai dans la rumeur sur laquelle M. Christie a appuyé ses interpellations.¹⁶²

SIR A. MACNAB said he did not consider this a laughing matter at all. When it was first noticed in the newspapers he treated it with contempt, knowing that there was no truth in it, and was rather disappointed that some person did not contradict it. He was much surprised at the questions that had been put by the hon. member. He (Sir Allan) did not like to be charged with defec-

tion from the party with whom he had acted all his life; and when he saw the newspapers making these remarks from one end of the province to the other, he could not help feeling that without some contradictions they were prejudicial to his character as a public man. The answer given by the hon. gentleman opposite (Mr. Lafontaine) was satisfactory to him (Sir A.) He thought it would have been becoming if some hon. gentleman, who could make a horse-laugh on occasions of this kind, and who had acted with him in the House, had saved him the trouble.¹⁶³

MR. ROBINSON said the hon. and gallant Knight looked at him as though he had laughed. He had done nothing of the kind.¹⁶⁴

MR. H. SMITH (Frontenac) said he had laughed.¹⁶⁵

SIR A. MACNAB did not know who laughed, but he did know that this was no laughing matter, or, perhaps, would not be so very long. He had himself prepared an answer in writing, which he would read, in order that it might go to the public in the more distinct shape. Sir Allan then read as follows:--

"No coalition has been proposed between the present ministry and the opposition, or any section or individual member thereof. No office of Chairman of a Railway Board or Commission, or any office of a similar kind, has been offered to me by the present Government. No office of any description under the Government or otherwise has been offered to me. I have had no communication directly or indirectly with the Government, or any member thereof, upon the subject of any offer of office, or of any benefit of any description at the hands of the present Government or any member thereof. No communications on any subject relating to the party with whom I act in this House, or to myself personally, have passed between the Government and myself, or between the Government and myself through a third party. No negotiation [sic] has been opened by the Government with me upon any matter of a public or private nature, concerning the party with whom I act, or myself personally, in relation to any office or any other matter or thing."

Sir Allan added that he felt that this explanation was due to himself, due to the gentlemen with whom he acted, and above all due to the members of the government. Perhaps the rumours were owing to the manner in which he had been mixed up with gentlemen opposite in the matter of railways; and because of that he would give the gentlemen all the support in his power to enable them to carry out their plans in regard to railways. In every good measure they should have his support, and he believed that of the gentlemen with whom he acted. (Hear.)¹⁶⁶

FOOTNOTES: 26 JUNE 1851.

1. The following papers reported this motion in identical accounts: BRITISH COLONIST, 27 June 1851, and NORTH AMERICAN (Supplement), 4 July 1851. The motion was also reported by GLOBE, 28 June 1851.
2. BRITISH COLONIST, 27 June 1851.
3. IBID.
4. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 27 June 1851, NORTH AMERICAN (Supplement), 4 July 1851; MORNING CHRONICLE, 27 June 1851, MONTREAL GAZETTE, 27 June 1851, MONTREAL TRANSCRIPT, 28 June 1851, and LA MINERVE, 1 July 1851. The debate was also reported by: GLOBE, 28 June 1851; MONTREAL GAZETTE, 1 July 1851; and EXAMINER, 2 July 1851.
5. EXAMINER, 2 July 1851.
6. MONTREAL GAZETTE, 1 July 1851.
7. EXAMINER, 2 July 1851.
8. MONTREAL GAZETTE, 1 July 1851.
9. EXAMINER, 2 July 1851.
10. MONTREAL GAZETTE, 1 July 1851.
11. BRITISH COLONIST, 27 June 1851.
12. EXAMINER, 2 July 1851.
13. BRITISH COLONIST, 27 June 1851.
14. EXAMINER, 2 July 1851.
15. BRITISH COLONIST, 27 June 1851.
16. EXAMINER, 2 July 1851.
17. BRITISH COLONIST, 27 June 1851.
18. EXAMINER, 2 July 1851.
19. BRITISH COLONIST, 27 June 1851.
20. EXAMINER, 2 July 1851.
21. BRITISH COLONIST, 27 June 1851.
22. EXAMINER, 2 July 1851.
23. IBID.
24. BRITISH COLONIST, 27 June 1851.
25. EXAMINER, 2 July 1851.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 27 June 1851, BRITISH WHIG, 28 June 1851, MONTREAL TRANSCRIPT, 28 June 1851, MORNING CHRONICLE, 28 June 1851, MONTREAL GAZETTE, 28 June 1851, BATHURST COURIER, 1 July 1851, and NORTH AMERICAN (Supplement), 4 July 1851. The debate was also reported by: GLOBE, 28 June 1851; MONTREAL GAZETTE, 1 July 1851; EXAMINER, 2 July 1851; PILOT, 5 July 1851; JOURNAL DE QUEBEC, 28 June 1851; and L'AVENIR, 2 July 1851. Commentaries appeared in MONTREAL GAZETTE, 1 July 1851, which reported that the debate lasted for five hours; and L'AVENIR, 2 July 1851.
35. BRITISH COLONIST, 27 June 1851.
36. EXAMINER, 2 July 1851.
37. BRITISH COLONIST, 27 June 1851.

38. EXAMINER, 2 July 1851.
39. BRITISH COLONIST, 27 June 1851.
40. EXAMINER, 2 July 1851.
41. BRITISH COLONIST, 27 June 1851.
42. EXAMINER, 2 July 1851.
43. BRITISH COLONIST, 27 June 1851.
44. EXAMINER, 2 July 1851.
45. BRITISH COLONIST, 27 June 1851.
46. EXAMINER, 2 July 1851.
47. BRITISH COLONIST, 27 June 1851.
48. EXAMINER, 2 July 1851.
49. BRITISH COLONIST, 27 June 1851.
50. EXAMINER, 2 July 1851.
51. BRITISH COLONIST, 27 June 1851.
52. EXAMINER, 2 July 1851.
53. BRITISH COLONIST, 27 June 1851.
54. EXAMINER, 2 July 1851.
55. BRITISH COLONIST, 27 June 1851.
56. EXAMINER, 2 July 1851.
57. BRITISH COLONIST, 27 June 1851.
58. EXAMINER, 2 July 1851.
59. IBID.
60. BRITISH COLONIST, 27 June 1851.
61. EXAMINER, 2 July 1851.
62. BRITISH COLONIST, 27 June 1851.
63. EXAMINER, 2 July 1851.
64. GLOBE, 28 June 1851.
65. EXAMINER, 2 July 1851.
66. GLOBE, 28 June 1851.
67. EXAMINER, 2 July 1851.
68. GLOBE, 28 June 1851.
69. BRITISH COLONIST, 27 June 1851.
70. GLOBE, 28 June 1851.
71. IBID.
72. EXAMINER, 2 July 1851.
73. GLOBE, 28 June 1851.
74. BRITISH COLONIST, 27 June 1851.
75. GLOBE, 28 June 1851.
76. EXAMINER, 2 July 1851.
77. BRITISH COLONIST, 27 June 1851.
78. GLOBE, 28 June 1851.
79. EXAMINER, 2 July 1851.
80. GLOBE, 28 June 1851.
81. EXAMINER, 2 July 1851.
82. GLOBE, 28 June 1851.
83. IBID.
84. EXAMINER, 2 July 1851.
85. GLOBE, 28 June 1851.
86. IBID.
87. IBID.
88. EXAMINER, 2 July 1851.
89. BRITISH COLONIST, 27 June 1851.
90. EXAMINER, 2 July 1851.
91. GLOBE, 28 June 1851.
92. BRITISH COLONIST, 27 June 1851.
93. GLOBE, 28 June 1851.

94. EXAMINER, 2 July 1851.
95. GLOBE, 28 June 1851.
96. EXAMINER, 2 July 1851.
97. BRITISH COLONIST, 27 June 1851.
98. GLOBE, 28 June 1851.
99. BRITISH COLONIST, 27 June 1851.
100. GLOBE, 28 June 1851.
101. BRITISH COLONIST, 27 June 1851.
102. GLOBE, 28 June 1851.
103. EXAMINER, 2 July 1851.
104. GLOBE, 28 June 1851.
105. EXAMINER, 2 July 1851.
106. GLOBE, 28 June 1851.
107. EXAMINER, 2 July 1851.
108. GLOBE, 28 June 1851.
109. EXAMINER, 2 July 1851.
110. GLOBE, 28 June 1851.
111. BRITISH COLONIST, 27 June 1851.
112. GLOBE, 28 June 1851.
113. BRITISH COLONIST, 27 June 1851.
114. IBID.
115. GLOBE, 28 June 1851.
116. BRITISH COLONIST, 27 June 1851.
117. EXAMINER, 2 July 1851.
118. GLOBE, 28 June 1851.
119. IBID.
120. BRITISH COLONIST, 27 June 1851.
121. IBID.
122. IBID.
123. GLOBE, 28 June 1851.
124. BRITISH COLONIST, 27 June 1851.
125. IBID.
126. IBID.
127. GLOBE, 28 June 1851.
128. IBID.
129. IBID.
130. BRITISH COLONIST, 27 June 1851.
131. IBID.
132. GLOBE, 28 June 1851.
133. IBID.
134. BRITISH COLONIST, 27 June 1851.
135. GLOBE, 28 June 1851.
136. IBID.
137. PILOT, 5 July 1851.
138. IBID.
139. GLOBE, 28 June 1851.
140. BRITISH COLONIST, 27 June 1851.
141. IBID.
142. GLOBE, 28 June 1851.
143. BRITISH COLONIST, 27 June 1851.
144. IBID.
145. BRITISH WHIG, 28 June 1851.
146. A commentary on this bill appeared in BRITISH COLONIST, 8 July 1851.
147. The following papers reported this notice in identical accounts: MORNING CHRONICLE, 27 June 1851, MONTREAL GAZETTE, 27 June 1851, MONTREAL TRANSCRIPT, 28 June 1851, LA MINERVE, 1 July 1851; BRITISH COLONIST, 27 June 1851,

- and NORTH AMERICAN (Supplement), 4 July 1851. The debate was also reported by: GLOBE, 28 June 1851; and JOURNAL DE QUEBEC, 28 June 1851.
148. MORNING CHRONICLE, 27 June 1851.
 149. BRITISH COLONIST, 27 June 1851.
 150. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 27 June 1851, MONTREAL GAZETTE, 27 June 1851, MONTREAL TRANSCRIPT, 28 June 1851, LA MINERVE, 1 July 1851; BRITISH COLONIST, 27 June 1851, and NORTH AMERICAN (Supplement), 4 July 1851. The debate was also reported by: GLOBE, 28 June 1851; and JOURNAL DE QUEBEC, 28 June 1851.
 151. JOURNAL DE QUEBEC, 28 June 1851.
 152. MORNING CHRONICLE, 27 June 1851.
 153. IBID.
 154. BRITISH COLONIST, 27 June 1851.
 155. The following papers reported the debate on this question in partially identical accounts: BRITISH COLONIST, 27 June 1851, BRITISH WHIG, 28 June 1851, MONTREAL GAZETTE, 28 June 1851, MONTREAL TRANSCRIPT, 28 June 1851, MORNING CHRONICLE, 28 June 1851, BATHURST COURIER, 1 July 1851, and NORTH AMERICAN (Supplement), 4 July 1851. The debate was also reported by: GLOBE, 1 July 1851; EXAMINER, 2 July 1851; and JOURNAL DE QUEBEC, 1 July 1851.
 156. GLOBE, 1 July 1851.
 157. JOURNAL DE QUEBEC, 1 July 1851.
 158. GLOBE, 1 July 1851.
 159. JOURNAL DE QUEBEC, 1 July 1851.
 160. IBID.
 161. IBID.
 162. IBID.
 163. GLOBE, 1 July 1851.
 164. IBID.
 165. IBID.
 166. IBID.

FRIDAY, 27 JUNE 1851.

(118)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Lacoste,--The Petition of E.B. Franchère and
others, of the Counties of Rouville and Chambly.

By the Honorable Mr. Badgley,--The Petition of Jason C. Pierce and others, of
the Counties of Rouville and Chambly.

By Mr. Taché,--The Petition of the Municipality Number One of the County of
Rimouski.

By Mr. Dumas,--The Petition of John McKenzie and others, of the Parishes of
Terrebonne and Lachenaie.

By Mr. Ross,--The Petition of J. Gillespie and others, Merchants, of the
City of Quebec, and others engaged in the Lumber Trade; the Petition of Alexander
Haddan and others, Elders, on behalf of the Congregation of St. John's (Free)
Church, Quebec; the Petition of the Reverend N.A. Leclerc and others, of Lambton
and other Townships; the Petition of Louis Cyrus Macaire, late of the City of
Montreal, Hotel-Keeper; and the Petition of Archibald Campbell, Esquire, and
others, of the City of Quebec.

By Mr. Meyers,--The Petition of the Municipality of the Township of Murray;
and the Petition of John C. Boswell and others, of the Township of Hamilton
and Haldimand.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of John Moore, Esquire, and others, of the Town of Sherbrooke; praying for
the passing of an Act to incorporate the said Town.

Of the Town Council of the Town of Peterborough; praying for the passing
of an Act to incorporate a Company for the construction of a Railway from some
point on the Georgian Bay, through the County of Peterborough, to Kingston or
Prescott.

Of the Mayor, Aldermen and Councilmen of the City of Toronto; praying that
in any Bill introduced to amend the Charter of the Toronto and Goderich Railway
Company, a clause may be inserted authorizing the Corporation of the said City
to subscribe for capital stock therein, or otherwise to aid the same.

Of John G. Booth and S.F. Urquhart, on behalf of the Canadian Eclectic
Medical Society; praying for the passing of an Act to recognize the right of
qualified Members of the said Society to study, teach and practice Physic, ac-
cording to their own established rules.

Of Joseph Bettes, Esquire, and others, of the Townships of Cramahe and
Murray; praying for the formation of a new Township out of certain parts of
the said Townships, to be called the Township of Brighton.

Of J.C. Taché, Esquire, and others, of the Parish of St. Louis de Kamouraska;
praying for aid to construct a Wharf or Landing place at Isle Brulée opposite
the said Parish.

Of John Evirs, of the Fief Courval, District of Three Rivers; praying com-
pensation for the destruction of his barn by incendiaries on account of his
acting as Interpreter to the Assessor of School rates.

Of Charles P. Treadwell, of L'Orignal, County of Prescott, Esquire; praying
that a certain grant of money be made to each County, Town or City represented
in Parliament, for the purchase of an Agricultural Library therefor upon cer-
tain conditions.

Of Charles P. Treadwell, of L'Orignal, County of Prescott, Esquire; praying
for the appropriation of a sufficient sum of money to purchase for each Member

of both branches of the Legislature, one set of Holbroke's School Apparatus, to be by them presented to the best Model or Grammar School in their respective Counties, Towns or Cities.

Of J. Hébert, Esquire, and others, of the Parish of St. Jean Chrysostôme, County of Beauharnois; praying that the seat of the Circuit Court of the said County may be continued at the Village of Ste. Martine.

Of P.A. Robillard and others, of the Parishes of Ste. Martine and St. Urbain Premier, County of Beauharnois; praying that the seat of the Circuit Court of the said County may be continued at the Village of Ste. Martine, and that the Seigniority of Chateauguay may be united to the Circuit of Beauharnois for Judicial purposes.

Of D. Cameron and others, of the Counties of York and Peterborough; praying that, instead of the removal of the Seat of Government, the sum required therefor may be expended in the construction of a Macadamized, Gravel, or Plank Road from Lake Ontario at Whitby, to Lake Simcoe at the Narrows, or that the removal be delayed for two years longer, and the sum saved thereby expended upon the said Road.

Of Jonathan Herrick and others, of the County of Shefford, and others; praying aid to open and construct a Road from the Eastern Townships Road lead-

(119)

ing to Montreal on the east, to the County of Mississquoi Road on the west.

Of Stuart Harrison and others, of South Elmsley, County of Leeds; of Thomas Fisher and others, of Moore, Enniskillen, and Plympton, County of Kent; of John W. Waddel and others, of Port Stanley, County of Middlesex; of John Bennett and others, of Yonge, County of Leeds; of Alexander McDonnell, Esquire, and others, of Milford, and other Townships, County of Prince Edward; of R. Rolph and others, of Osnabruck, County of Stormont; of Job Loder and others, of Ancaster, County of Wentworth; of James Allen and others, of Montague, County of Lanark; of Thomas Christie and others, of St. Mary's, Blanchard, Biddulph and Downie, County of Huron; of Benjamin Young and others, of Lansdowne, County of Leeds; and of Joseph Hinton and others, County of Carleton; praying that the vested interests of the Clergy of the various Religious Denominations of Christians in the Province acquired by the Act of Settlement of 1840, may be so respected as to prevent any further legislation on the subject of the Clergy Reserves.

Tenth Report
of Committee on
Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Grand River Navigation Company, and of the Town Council of the Town of Brantford, and find that the requisite notices have been given.

The Petition of the President and Directors of the Quebec Bank for a reduction of the number of the Directors, Your Committee do not consider to be one which requires notice under the 64th Rule.

With respect to the Petition of Théophile Roy and others, for an Act of Incorporation as the "St. Athanase and Mount Johnson Planked and Macadamized Road Company," it appears that notice was published in English within the District affected, but that notice was not affixed to the Church doors of the several Parishes, as required by the 64th Rule, which Your Committee consider an important omission.

In the case of the Petition of Peter M. Laurin and others, for the confirmation of a certain Survey of Caledonia, it appears that no notice has been given.

Second Report
of Committee
on Private
Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to vest a certain Road allowance in the Township of Hope, in the County of Durham, in James M. Andrews and others, and have made an amendment thereto; and Your Committee have also examined the Bill to incorporate Trinity College, and have made several amendments thereto; to all of which amendments they solicit the concurrence of Your Honorable House.

Bill relating to
Real Property
illegally
detained.

Mr. Sanborn reported from the Select Committee on the Bill to provide a more summary and less expensive process for proprietors of real property in Lower Canada to acquire the possession thereof when illegally detained from them in certain cases, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Apprentices
and Minors
Bill.

Mr. Stevenson reported from the Select Committee on the Bill to amend the Law relating to Apprentices and Minors, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill, with the amendments, be reprinted for the use of the Members of this House.

Trinity
College Bill.

Ordered, That the Bill to incorporate the Trinity College, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Andrew's Road
Vesting Bill.

Ordered, That the Bill to vest a certain Road allowance in the Township of Hope, in the County of Durham, in James M. Andrews and others, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Petitions
referred.

Ordered, That the Petition of the Bytown and Prescott Railway Company; the Petition of the Municipal Council of the County of Peterborough; the Petition of John Hall and others, of the County Town of Peterborough; the Petition of the Town Council of the Town of Peterborough; and the Petition of John Moore, Esquire, and others, of the Town of Sherbrooke, be referred to the Standing Committee on Standing Orders.

Petition of P.
A. de Gaspé and
others, to be
printed.

Ordered, That the Petition of P.A. de Gaspé, Esquire, and others, of the Parish of St. Jean Port Joli, be printed for the use of the Members of this House.

On motion of Sir Allan N. MacNab, seconded by Mr. Christie,

Railroad and
Telegraph Lines.

Resolved, That a Message be sent to the Honorable the Legislative Council, praying that their Honors will

permit the Honorable James Ferrier, one of their Members, to attend and give evidence on Tuesday next, at eleven o'clock in the forenoon, before the Standing Committee appointed by this House on Railroads and Telegraph Lines.

Ordered, That Sir Allan N. MacNab do carry the said Message to the Legislative Council.

Petition referred.

Ordered, That the Petition of the Ontario, Simcoe, and Huron Railroad Union Company, be referred to the Standing Committee on Railroads and Telegraph Lines.

Supply.

The Honorable Mr. LaTerrière, from the Committee to whom it was referred to consider of the Motion made on Wednesday the eighteenth instant, That a Supply be granted to Her Majesty, reported a Resolution; which was read, as followeth:--

Resolved, That a Supply be granted to Her Majesty.

The said Resolution, being read a second time, was agreed to.

Resolved, That this House will, on Friday next, resolve itself into a Committee to consider of the Supply granted to Her Majesty.

Ordered, That the Message of His Excellency the Governor General transmitting to this House the Estimates of the Sums required for the service of the year 1851, together with the said Estimates, be referred to the said Committee.

Crown Patents Fees Bill.

The Order of the day for the second reading of the Bill to extend the period for payment of Fees on Crown Patents, and for other purposes therein men-

tioned, being read;

(120)

The Bill was accordingly read a second time; and committed to a Committee of the whole House for Tuesday next.

Land Surveyors' Act Amendment Bill.

The Order of the day for the House in Committee on the Bill to amend the Land Surveyors' Act, being read;

The House accordingly resolved itself into the said Committee.

Mr. Richards took the Chair of the Committee;¹

The House ... passed through some clauses.²

MR. ROBINSON suggested the introduction of a clause to enable competent Surveyors, arriving here from Great Britain, to discharge duties as surveyors here, without having to go through the ordeal at present imposed.³

MR. COM. CR. LANDS PRICE consented to aid the hon. gentleman in the drawing up of such a clause.⁴

MR. FOURNIER objected to the large expenses at present required from young men who desired to pass. The cost of instruments was upwards of £50, and to charge £5 for fees was too much--£2 10s. was enough.⁵

MR. COM. CR. LANDS PRICE said it was often necessary to assemble the examiners from different parts of the Province. Now, the hon. member would not like to come all the way from Quebec to Toronto, perhaps, to examine three students, and divide the sum of three times £2 10s.⁶

(120)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Territorial
Divisions Bill
(U.C.).

The Order of the day for the House in Committee on the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;⁷

MR. INSP. GEN. HINCKS [moved] the House ... into committee of the whole on the Territorial Divisions Bill.⁸

(120)

The House accordingly resolved itself into the said Committee.

Mr. Fortier took the Chair of the Committee;

On the 16th clause being read, there was a discussion as to the time when the Bill should come into operation.⁹

MR. INSP. GEN. HINCKS proposed to fix September next¹⁰.

MR. H. SHERWOOD and others contended for delay until March, in order that another election of Reeves might take place in the interim.¹¹

Eventually, the 1st of January¹² [OR] February¹³ was fixed upon.¹⁴

The boundary between Leeds and Lanark, at Smith's Falls, was declared by an amendment moved by MR. RICHARDS, to be the new channel into which the water has been turned by the dam.¹⁵

COL. PRINCE moved an additional clause, providing that the Sheriff of the United Counties of Essex and Lambton, conveying a debtor across the county of Kent, shall not be liable to an action, for escape. The reason for the provision was, that Kent lies between the "United Counties" in question.¹⁶

[This] clause was inserted in the Bill¹⁷.

COL. PRINCE moved in addition¹⁸ [that] the Act, as far as the last mentioned clause was concerned, was made to take effect from the time of its passing.¹⁹

MR. WILSON wished to know how it was intended to provide for the registration in the 5 counties which would be brought into operation, without building halls and other machinery for that purpose.²⁰

MR. AT. GEN. BALDWIN stated that in many cases there must be great expenses involved, and the general funds of the county should be devoted to any expense needed.²¹

The 4th clause was re-considered.²²

COL. PRINCE moved that the fourth clause be expunged²³. [He] contended that instead of the County Town being decided upon by the Reeve, it would be far better for the site of the local capital to be fixed upon by the²⁴ Governor or in Council. He considered this the most impartial tribunal²⁵ and he moved an amendment to that effect.²⁶

MR. MCFARLAND quite agreed with the motion.²⁷ In his own county, they had been quarrelling two or three years about the site of the county town; two or three places had been pitched upon, and the consequence was that there was much dissatisfaction.²⁸

MR. WILSON objected to the motion and pointed out the inconveniences arising

from it. It was proposed that the Government name the County site. On what information can the government act but on the representation of the people of the county²⁹ [for] the government had no local knowledge of what would be the best place for the county towns³⁰. If the representations of the majority will fix the site, why not allow them to do it themselves; if the minority, then it is just those who will³¹ most readily obtain³² the ear of the Government³³, such persons as the reeves³⁴, that will control the matter. The principle advocated by his hon. friend from Essex is retrograding. If Government was to manage all these affairs, what was the use of creating new Municipal Councils.³⁵

MR. SHERWOOD opposed the motion. The people themselves were the best qualified to determine the sites of the County Towns.--His opinion was, that it should be settled by the people at the election of the Reeves, to vote for the Reeves, and at the same time vote for the site of the County Town. Failing that, he would leave it to the Reeves. The Government had not arrogated to themselves the power of fixing these sites, and they had voted properly in doing so, and he trusted they would carry out the clause as it is introduced. If this clause was interfered with, he was sure it would create a great deal of dissatisfaction.³⁶

MR. MACKENZIE opposed the proposal to vest in the government an additional amount of patronage.³⁷ [He] never heard a more absurd proposal than the one to take out of the hands of the people who are to pay the building of these Court Houses, and all other affairs connected with these new Counties, the power to manage their own affairs.³⁸

MR. SHERWOOD presented a petition from the County of Ontario³⁹ signed by 500 persons praying the House not to make any change in the bill as drawn, which gave the power to the Reeves to fix the County Towns; and that if a change were made the power should be given to the whole body of tax-payers.⁴⁰

MR. INSP. GEN. HINCKS said this was a difficult part to determine.⁴¹ He would vote for the amendment; but suggested if it did not pass to insert a provision that the township where the County buildings should be situated, should pay one-half the cost.⁴² Some of these townships had already signified their willingness to accede to a proposal of this kind.⁴³ It would be an inconvenience for the whole body of the county were the Court House fixed in a part where there was no accommodation for suitors and it would again be an injustice to make a wealthy township pay the greater part of the expense of the public buildings, and then take it away to a township where there were hardly any taxes levied.⁴⁴ He could say for the town of Brantford, they had petitioned that Brantford be the county town, and they were prepared to pay the whole cost of the buildings themselves.⁴⁵

MR. H. BOULTON opposed the motion⁴⁶. He considered the only proper course was to leave⁴⁷ the choice of locality for the County Town to the majority of the Reeves, or the Councillors throughout the County.⁴⁸

SIR A. MACNAB agreed with the member for Essex. If he understood responsible Government, it was this, that Government should assume the responsibility of fixing these County Towns⁴⁹ and he did not believe that this or any other Government would be corrupt enough to use their power for political motives.⁵⁰ As regards Brantford, to which allusion had been made, there was no gentleman could say but Brantford was unquestionably the proper place for the County Town for that new County. He did not think that such divisions were called for, and if the people were polled, he did not think there would be a division at all there. But he would admit that Brantford is the proper place for the County site.⁵¹

MR. MERRITT opposed the proposed amendment⁵². [He] considered this a simple question. The government are responsible for making the division, but after that their responsibility ceases. It would be disgraceful for the government to have anything to do with the fixing of these sites.⁵³ The Government was not competent to manage these small details, and would be subject to become the mere instrument of local interests.⁵⁴ The Executive had enough to do already. And it was impossible to do justice to any party. The Town Reeves are interested in these sites, they pay the taxes and will be likely to fix the sites in the most proper locality.⁵⁵

COL. PRINCE replied at some length⁵⁶. [He] did not believe that the government would act corruptly, if they were vested with this patronage, because he saw no motive for them to do so⁵⁷ and contended that he was advocating the cause of the people, while he pressed his motion. It referred chiefly to Whitby, where out of the ten townships, two were in front and the others in the back woods. The two front townships contained about 17,000 inhabitants, while the other eight did not number more than one third of that, so that men living in the woods would have the power of out-voting those in the front, and thus settling the site in the wilderness.⁵⁸

MR. ROBINSON said that the Reeves of these townships referred to had signed this petition presented to the House praying that the 4th clause be left as it is; out of 13 Reeves 11 had signed this petition.⁵⁹

MR. W. BOULTON was averse to the principle of allowing the government to fix the county towns.⁶⁰

MR. J. SMITH (Durham,) thought the matter was purely local, and should⁶¹ be settled either by the reeves or by a vote of the whole tax-paying population,⁶² in the way the bill at present provides for⁶³ if that were possible.⁶⁴

MR. FERGUSON objected to the motion.⁶⁵

MR. HOPKINS spoke against the bill altogether; he was opposed altogether to⁶⁶ altering the present arrangement, as he believed it was opposed to the feeling of the country.⁶⁷ The divisions should not be made until they could be permanent.⁶⁸ He would like to see divisions made where representation was based upon population, which this Bill does not provide for.⁶⁹ If division there must be, the choice of the county towns ought to be left to the people. It was a local question, and not one that should be decided by the government.⁷⁰ He feared there was too much influence brought to bear from beyond the bar. He objected in toto to the proposed divisions.⁷¹

MR. H. SHERWOOD asked why the Government should depart from an important principle of the bill⁷² to support a motion which went to defeat one of the clauses of the Bill which he had himself introduced as a Government measure⁷³ when they must have decided upon it in the cabinet, on a motion of amendment from the opposite side of the House? He (Mr. S.) had seen the time when the Inspector-General would have threatened resignation if such an amendment had been carried. Why now, then, did the Honourable Inspector General quietly submit to such a change?⁷⁴ He had, indeed, heard that Mr. Perry had made some favorable offers to Government, if they can make Whitby the county town. (Hear, hear.) He could not depart from the idea that it would place in the Government a power which in the ensuing elections they ought to guard against.⁷⁵ He opposed the principle of the amendment at some length; and remarked incidentally on the division of the preceding evening relative to the Court of Chancery. That court was maintained by Lower Canadian votes solely, four fifths of the members of Upper Canada had voted against the Chancery Court, against the Attorney General West, Now, he thought if there had been a similar expression of

opinion on the part of Lower Canadian members, against the Attorney General East, that he would have resigned. He did not believe that the hon. gentleman would consent to hold office, and carry Lower Canadian questions upon the votes of purely Upper Canadian members, against the overwhelming majority of those from Lower Canada.⁷⁶ The measure before the House ... was purely an Upper Canadian matter, and ought to be left in a great measure to the votes of the upper Canadian representatives ... and he hoped the Lower Canadian members would keep that in mind.⁷⁷

COL. PRINCE stated that he had acted independently in offering the amendment, and had done so because requested⁷⁸ by a respectable body of men⁷⁹, a deputation from the honorable gentleman who represented the county of Ontario, and who was unable to attend here himself⁸⁰ and because he believed its principle just.⁸¹

MR. INSP. GEN. HINCKS censured Mr. H. Sherwood for taunting the members from Lower Canada on the vote on the Chancery Court the other evening. He asked if that hon. member himself, and other members, had not voted for that court during this very Parliament, and if they should stultify themselves by now voting for its abolition? The Government had had that measure forced upon it by the bar of Upper Canada, and the hon. member for Toronto himself had been a prominent supporter⁸².

MR. H. SHERWOOD denied it.⁸³

MR. INSP. GEN. HINCKS said, the hon. member had at least voted for it two years ago. He went on to reply generally to Mr. Sherwood⁸⁴ [and] said that by leaving the question to the reeves and deputy reeves, you do not get at the real state of public opinion.⁸⁵

MR. J. SMITH, of Durham.--Then leave it to the people.⁸⁶

MR. INSP. GEN. HINCKS said the government had no interest whatever in fixing the county towns, but to do justice to the great majority of the people.⁸⁷

MR. ROBINSON was surprised to hear the Inspector General say that the reeves do not represent public opinion. If that were the case why had the government placed so much power in their hands?⁸⁸

MR. INSP. GEN. HINCKS had not said so; what he had said was, that a reeve of a small township would have as much influence in the division as a reeve of a populous and wealthy township; and, therefore, you did not necessarily get at [the] public by leaving the question to the reeves.⁸⁹

MR. J. SMITH of Durham, said the Inspector General defended the amendment on the ground that it was the best way of arriving at public opinion. But it happened, unfortunately, that every election that had lately taken place went against the government, which the Inspector General claimed to be the best exponent of public opinion.⁹⁰

MR. CAMERON supported the motion; and he did so because he believed that if the question were left to the reeves, no selection of a location would be made at all in many places.⁹¹

MR. RICHARDS opposed the motion.⁹² [He] advocated the principle of leaving the details to the Reeves, who might be considered the best judges of the requirements of the respective localities. The government would be weakened instead of strengthened, by being involved with the trouble and responsibilities of the new patronage, with which it was proposed to invest them.⁹³

MR. ROSS asked the hon. member for the City of Toronto on which side the

Lower Canadian members should vote on this question? Were they to walk out and give no vote at all, or were they to exercise any judgment?⁹⁴

Hear, hear, from MR. AT. GEN. LAFONTAINE.⁹⁵

MR. ROSS [continued:] Were they not there and bound to vote upon all questions to the best of their judgment?⁹⁶ If ... [not] what became of the union of the provinces? If not, what justice or propriety was there in the insults in which the hon. member had indulged? The hon. member voted on Lower Canadian questions, and yet he assumed that Lower Canadian representatives were to walk out of the House unless they were prepared to vote with the majority of Upper Canadian members, on Upper Canadian questions.⁹⁷ How was that to be found out? At what period of the debate? Were they to wait until the Upper Canada members had voted? Would the hon. member for Toronto tell them how or by what process they were to find out that an Upper Canada majority were in favour of any measure? There would be no end to the principle.⁹⁸ These petty distinctions were unknown in the Imperial Parliament, and ought never to be heard of here. Follow out the principle of the hon. member and the votes in question would be confined to members immediately interested in the respective localities. The doctrine was absurd and discreditable. (Hear, hear.) It would be well for the hon. member to inform the House, how many Upper Canada measures he carried when at the head of the government, by Lower Canada majorities--sometimes by a majority of one?⁹⁹

Loud cries of hear, hear, from Lower Canada members.¹⁰⁰

He, MR. ROSS, trusted that the house would hear none of the unreasonable and ungenerous taunts to which the hon. member for Toronto had given utterance. The members for Lower Canada would exercise their judgments, regardless of these taunts; they were consistent in their course, and without them, this country would at time be without a government.¹⁰¹

MR. H. BOULTON did not object to French members exercising their judgment upon Upper Canadian questions; but he did object to them rising in a body like fuglemen and to a man following the vote of their leader¹⁰² not because they were united on principle, but because they were combined for mere party purposes.¹⁰³ He would not object if they would get up like men, and express a judgment of their own.¹⁰⁴ He maintained that the proceedings of the house displayed the utter unfitness of the existing legislative body to legislate for the whole Province. It was not because the Lower Canada members were Frenchmen that he spoke against them.¹⁰⁵

Hear, from MR. AT. GEN. LAFONTAINE.¹⁰⁶

MR. H. BOULTON contended that if the French members had interests as the English had that they also would be split up, and that was the measure of English freedom. (Loud shouts of hear, hear.) He repeated that he did not object to the French from their nationality. (Continued cries of hear.)¹⁰⁷

MR. ROSS.--Some members call them "niggers."¹⁰⁸

MR. H. BOULTON.--Who called them niggers?¹⁰⁹ Nobody said they were. Those members who made use of those words were the niggers. He believed these kinds of words were thrown into the debate for the purpose of producing bad feeling by those who professed to deprecate it.¹¹⁰ He said in regret, not in ill will, that no subject could be hit upon in which members from both sections could agree. Our whole legislation was sectional, and what became, therefore, of the Union? In saying this, he had no unfriendly feeling towards Lower Canada members. (Cries of "oh" and laughter.) He feared there was no chance of the members from both sections working together for the common good, instead of sitting,

as now, like cat and dog, each jealous of the other.¹¹¹

MR. ROSS remarked that it was only right to say that the hon. member for Norfolk, according to the press, at a public dinner, had said the French Canadians were like "niggers."¹¹²

MR. H. BOULTON utterly denied the truth of the statement.¹¹³

MR. ROSS was glad of the disavowal.¹¹⁴

MR. MCCONNELL deprecated the existing mode of legislation, which was strictly sectional, regardless of the fact that the distinctions of Upper and Lower Canada had been done away.¹¹⁵ [He] thought that members from Lower Canada should vote on Upper Canadian questions. It was necessary for both sections of what was called United Canada. He was pleased with the vote last night, and hoped the votes would always be given in the same way. There ought to be only one civil law in Canada; justice would be administered cheaper and better too.¹¹⁶

MR. AT. GEN. LAFONTAINE parla ensuite. Il dit, qu'un jour il conversait avec un homme qui avait occupé une bien haute position dans le Haut-Canada, que cet homme pour lui témoigner combien il admirait le caractère des Canadiens-français¹¹⁷, but that his countrymen were too narrow minded to allow of his expressing his opinions¹¹⁸. Il lui raconta une anecdote. "Un jour, disait cet homme, il y a de cela un grand nombre d'années, je voyageais dans le Bas-Canada; c'était au Côteau-du-lac. Je dis au conducteur de la diligence: Mais on l'aime donc bien ce monsieur Papineau? Est-ce qu'il n'y aurait pas moyen de l'apaiser par une situation lucrative? Le conducteur me répondit: Oui nous l'aimons; mais s'il flechissait, nous trouverions dans le pays, vingt autres Papineau pour le remplacer."¹¹⁹

MR. H. BOULTON.--Ce voyageur, c'est moi. (On rit.)¹²⁰

MR. AT. GEN. LFAONTAINE.--Je déclare que ce voyageur n'est autre que le député de Norfolk.¹²¹

MR. H. BOULTON.--Je vais m'expliquer, et il se rend précipitamment à son siège, accueilli par un rire général.

Je n'ai jamais eu une telle conversation.¹²² It was perfectly untrue.¹²³ Ce n'était pas sur terre, mais dans un steamboat que je voyageais, auprès du Côteau-du-lac, il y a de cela environ vingt ou vingt-cinq ans.... Je m'adressai à un monsieur Des Rivières¹²⁴ in a joke¹²⁵ et lui dis:¹²⁶ as this Mr. Papineau makes so much noise,¹²⁷ est-ce que, au moyen d'une situation lucrative, le gouvernement ne pourrait pas faire taire ce monsieur Papineau?¹²⁸ To which Mr. Desrivières replied it would be no use¹²⁹.--Il en surgirait vingt autres (On rit, écoutez.)¹³⁰

MR. AT. GEN. LAFONTAINE.--Que le voyage se soit fait par eau ou par terre, cette variante n'affecte en rien le fait principal. Il est toujours vrai que M. Boulton voulait arriver à la conscience de l'homme par les situations lucratives, ayant appliqué ce principe à son profit, et voulant le mettre à profit pour les autres. (Ecoutez.) Quelle fut la réponse de M. Des Rivières? Prouve-t-elle que les Canadiens-Français votent et agissent aveuglement? M. Boulton fait consister la vertu et l'intelligence à voter aujourd'hui pour une question et demain contre cette même question. Ce n'est pas, il est vrai, la manière de voir des Canadiens-Français.

Vous reprochez à ceux-ci de n'avoir pas voté avec vous contre une loi pour laquelle vous votiez unanimement vous-même, il y a deux ans, et lorsque la cour de chancellerie, jugée si nécessaire en 1849, offre depuis cette époque à la société des garanties qu'elle ne lui donnait pas auparavant. (Signe approbateur sur les bancs de l'opposition.)¹³¹ [He] justified the French Can-

adians for the votes which they had given upon the Chancery Bill, and upon other bills relating to Upper Canada; and if they voted together, who should reproach them with it? It was said, indeed, that they followed leaders, and followed them blindly; but as he himself occupied the position of the leader of the Lower Canadians he would declare that he had never once asked any honble member to give his vote, nor how he would give his vote.¹³² That he was "followed" by hon. members, in the exercise of their judgment, might be true: but¹³³ if there were any hon. member more inclined than another¹³⁴ since the commencement of the session¹³⁵ to¹³⁶ most faithfully¹³⁷ follow a leader, that member was the representative for Norfolk, and his leader was the¹³⁸ hon. member for Haldimand. (Laughter.)¹³⁹ Now it was probable the hon. member was Attorney Gen. when he had that conversation with Mr. Desrivières, and it seemed that the Colonial office afterwards adopted his policy in his own case. He supposed that he was readily quieted by the Chief Justiceship of Newfoundland. But did not the hon. member feel that in the remarks he had made upon the French Canadian members, he was really whipping the regular opposition?¹⁴⁰ Gentlemen who had spoken appeared to have forgotten how many measures had been imposed on Lower Canada by Upper Canada majorities? And yet, when was an Upper Canada member taunted, abused, insulted, for interfering in French Canadian measures?¹⁴¹ Did the hon. member for Norfolk want a list of the Lower Canada measures which were forced upon Lower Canada by the votes of Upper Canada, under the late administration?--Such a list could be prepared at any moment.¹⁴²

MR. H. SHERWOOD called on Mr. Lafontaine for the list of the measures affecting Lower Canada carried by Upper Canada votes.¹⁴³

MR. AT. GEN. LAFONTAINE [continued:] The remarks of the hon. member for Norfolk came with peculiarly ill grace from him; he was a universal genius, meddling more than any other member in Lower Canada matters, and should therefore be the last to reject Lower Canada votes.¹⁴⁴ After taunting the hon. member for Norfolk with his pretensions to knowledge; not only of the laws of Upper Canada and Newfoundland, but also of Lower Canada, which two years ago, he declared he understood as well as English law, Mr. Lafontaine returned to the question of voting, and asked what would be the effect of restraining the votes of each section of the country to the measures which concerned itself? Why, in a few days would come up a question--the Clergy Reserves--on which the hon. member for Toronto would have to rely on French Canadian votes, and would be too glad to get them. And, yet, while hon. gentlemen would be so happy to receive the French Canadian votes on that occasion,¹⁴⁵--to shake hands with them on the subject of the Clergy Reserves¹⁴⁶--

Loud cries of "hear" from SIR A. MACNAB.¹⁴⁷

MR. AT. GEN. LAFONTAINE [continued:] the French Canadians were blamed because they would not reverse what the ... majority from Upper Canada had themselves established only two years before. He and Mr. Blake had brought in bills for changing the system of judicature, and both were desirous of putting them off until another session; but they were alike pressed by their professional friends to go on with them. As to Mr. Blake's appointment, he could not help being satisfied that that gentleman was the ablest man for the post, when both sides of the House agreed in saying so. He supposed the change of opinion in honorable members from Upper Canada was from conscientious motives; but those from Lower Canada had consciences too, and¹⁴⁸ would then, as they always did, vote according to their consciences; with all their faults, they adhered to principle, and never manifested the profligacy displayed by the member for Norfolk on an occasion when he proposed to silence Mr. Papineau by giving him

a good place.¹⁴⁹ It had never occurred to them to think that a man could be quieted by getting a good place.¹⁵⁰ That was an illustration of the political morality of the hon. member; but the French Canadian members would never condescend to anything of the kind. They never violated their consciences for office. (Hear, hear.)¹⁵¹ On the Jesuits Estates question¹⁵² en 1845¹⁵³ not a single Upper Canadian voted with the French Canadians; but did any one reproach them for the course they took? So it was with numerous other measures, such as the Municipal Bill,¹⁵⁴ en 1846¹⁵⁵, which was forced upon Lower Canada by the votes of Upper Canada.¹⁵⁶ Mr. Lafontaine was understood to say that he should vote for Mr. Sherwood's amendment on the Clergy Reserves, which declares the principle that they can never be diverted from religious purposes.¹⁵⁷

A reply [came] from MR. H. BOULTON, complaining that Mr. Lafontaine had spit out his spleen upon him, and repeated a private conversation.¹⁵⁸

MR. W. BOULTON said that the hon. Attorney General (East) had declared that the Lower Canada Municipal bill had been carried by Upper Canadian votes, but according to the journals, nineteen Lower Canadian members had voted with the majority on the second reading, and ten in the minority.¹⁵⁹

MR. AT. GEN. LAFONTAINE said that was only the second reading; and¹⁶⁰--

MR. RICHARDS read from the journals to prove that on the third reading of the bill the majority of Lower Canadians were against the measure.¹⁶¹

The committee divided on the amendment, which was carried by 37 to 19.¹⁶²

(120)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fortier reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

*Then, on motion of Mr. Laurin, seconded by Mr. Hopkins,
The House adjourned until Monday next.*

APPENDIX: 27 JUNE 1851.

[NOTICE OF MOTION RE: CORRESPONDENCE RELATING TO MARINE HOSPITAL.]

MR. CAUCHON a donné avis ... qu'il demanderait, lundi, par une adresse, copie de toute la correspondance relative à l'hôpital de la Marine.¹⁶³

FOOTNOTES: 27 JUNE 1851.

1. The debate on this matter was reported by: BRITISH COLONIST, 1 July 1851; and GLOBE, 1 July 1851.
2. BRITISH COLONIST, 1 July 1851.
3. GLOBE, 1 July 1851.
4. IBID.
5. BRITISH COLONIST, 1 July 1851.
6. IBID.
7. The debate on this matter was reported in partially identical accounts by: BRITISH COLONIST, 1 July 1851, MONTREAL TRANSCRIPT, 1 July 1851, NORTH AMERICAN (Supplement), 4 July 1851, and LA MINERVE, 2 July 1851. The debate was also reported by: GLOBE, 1 July 1851; EXAMINER, 2 July 1851; and JOURNAL DE QUEBEC, 3 July 1851. The debate was noted by: MORNING CHRONICLE, 30 June 1851; and BATHURST COURIER, 1 July 1851, which copied from GLOBE, 28 June 1851.
8. EXAMINER, 2 July 1851.
9. BRITISH COLONIST, 1 July 1851.
10. GLOBE, 1 July 1851.
11. IBID.
12. IBID.
13. BRITISH COLONIST, 1 July 1851.
14. GLOBE, 1 July 1851.
15. BRITISH COLONIST, 1 July 1851.
16. GLOBE, 1 July 1851.
17. BRITISH COLONIST, 1 July 1851.
18. GLOBE, 1 July 1851.
19. BRITISH COLONIST, 1 July 1851.
20. GLOBE, 1 July 1851.
21. IBID.
22. BRITISH COLONIST, 1 July 1851.
23. EXAMINER, 2 July 1851.
24. BRITISH COLONIST, 1 July 1851.
25. GLOBE, 1 July 1851.
26. BRITISH COLONIST, 1 July 1851.
27. GLOBE, 1 July 1851.
28. EXAMINER, 2 July 1851.
29. GLOBE, 1 July 1851.
30. EXAMINER, 2 July 1851.
31. GLOBE, 1 July 1851.
32. BRITISH COLONIST, 1 July 1851.
33. GLOBE, 1 July 1851.
34. EXAMINER, 2 July 1851.
35. GLOBE, 1 July 1851.
36. IBID.
37. EXAMINER, 2 July 1851.
38. GLOBE, 1 July 1851.
39. IBID.
40. BRITISH COLONIST, 1 July 1851.
41. GLOBE, 1 July 1851.
42. BRITISH COLONIST, 1 July 1851.
43. GLOBE, 1 July 1851.
44. BRITISH COLONIST, 1 July 1851.
45. GLOBE, 1 July 1851.
46. EXAMINER, 2 July 1851.
47. GLOBE, 1 July 1851.

48. BRITISH COLONIST, 1 July 1851.
49. GLOBE, 1 July 1851.
50. BRITISH COLONIST, 1 July 1851.
51. GLOBE, 1 July 1851.
52. BRITISH COLONIST, 1 July 1851.
53. GLOBE, 1 July 1851.
54. BRITISH COLONIST, 1 July 1851.
55. GLOBE, 1 July 1851.
56. IBID.
57. EXAMINER, 2 July 1851.
58. GLOBE, 1 July 1851.
59. IBID.
60. IBID.
61. IBID.
62. EXAMINER, 2 July 1851.
63. GLOBE, 1 July 1851.
64. EXAMINER, 2 July 1851.
65. GLOBE, 1 July 1851.
66. EXAMINER, 2 July 1851.
67. BRITISH COLONIST, 1 July 1851.
68. EXAMINER, 2 July 1851.
69. GLOBE, 1 July 1851.
70. EXAMINER, 2 July 1851.
71. BRITISH COLONIST, 1 July 1851.
72. IBID.
73. GLOBE, 1 July 1851.
74. BRITISH COLONIST, 1 July 1851.
75. GLOBE, 1 July 1851.
76. BRITISH COLONIST, 1 July 1851.
77. GLOBE, 1 July 1851.
78. BRITISH COLONIST, 1 July 1851.
79. GLOBE, 1 July 1851.
80. EXAMINER, 2 July 1851.
81. BRITISH COLONIST, 1 July 1851.
82. IBID.
83. IBID.
84. IBID.
85. EXAMINER, 2 July 1851.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. GLOBE, 1 July 1851.
94. BRITISH COLONIST, 1 July 1851.
95. GLOBE, 1 July 1851.
96. IBID.
97. IBID.
98. BRITISH COLONIST, 1 July 1851.
99. GLOBE, 1 July 1851.
100. BRITISH COLONIST, 1 July 1851.
101. GLOBE, 1 July 1851.
102. BRITISH COLONIST, 1 July 1851.

103. GLOBE, 1 July 1851.
104. BRITISH COLONIST, 1 July 1851.
105. GLOBE, 1 July 1851.
106. BRITISH COLONIST, 1 July 1851.
107. IBID.
108. GLOBE, 1 July 1851.
109. IBID.
110. BRITISH COLONIST, 1 July 1851.
111. GLOBE, 1 July 1851.
112. BRITISH COLONIST, 1 July 1851.
113. IBID.
114. IBID.
115. GLOBE, 1 July 1851.
116. BRITISH COLONIST, 1 July 1851.
117. JOURNAL DE QUEBEC, 3 July 1851.
118. BRITISH COLONIST, 1 July 1851.
119. JOURNAL DE QUEBEC, 3 July 1851.
120. IBID.
121. IBID.
122. IBID.
123. BRITISH COLONIST, 1 July 1851.
124. JOURNAL DE QUEBEC, 3 July 1851, which commented: "Il faut remarquer qu'alors nul steamboat ne voyageait entre Montreal et le Côtéau-du-lac."
125. BRITISH COLONIST, 1 July 1851.
126. JOURNAL DE QUEBEC, 3 July 1851.
127. BRITISH COLONIST, 1 July 1851.
128. JOURNAL DE QUEBEC, 3 July 1851.
129. BRITISH COLONIST, 1 July 1851.
130. JOURNAL DE QUEBEC, 3 July 1851.
131. IBID.
132. NORTH AMERICAN (Supplement), 4 July 1851.
133. GLOBE, 1 July 1851.
134. NORTH AMERICAN (Supplement), 4 July 1851.
135. GLOBE, 1 July 1851.
136. NORTH AMERICAN (Supplement), 4 July 1851.
137. GLOBE, 1 July 1851.
138. NORTH AMERICAN (Supplement), 4 July 1851.
139. GLOBE, 1 July 1851.
140. NORTH AMERICAN (Supplement), 4 July 1851.
141. GLOBE, 1 July 1851.
142. NORTH AMERICAN (Supplement), 4 July 1851.
143. EXAMINER, 2 July 1851.
144. GLOBE, 1 July 1851.
145. NORTH AMERICAN (Supplement), 4 July 1851.
146. GLOBE, 1 July 1851.
147. IBID.
148. NORTH AMERICAN (Supplement), 4 July 1851.
149. GLOBE, 1 July 1851.
150. NORTH AMERICAN (Supplement), 4 July 1851.
151. GLOBE, 1 July 1851.
152. NORTH AMERICAN (Supplement), 4 July 1851.
153. JOURNAL DE QUEBEC, 3 July 1851.
154. NORTH AMERICAN (Supplement), 4 July 1851.
155. JOURNAL DE QUEBEC, 3 July 1851.
156. NORTH AMERICAN (Supplement), 4 July 1851.
157. EXAMINER, 2 July 1851. JOURNAL DE QUEBEC, 3 July 1851, commented that

Mr. LaFontaine's speech "est tombé comme une bombe dans le camp de toutes les oppositions et les a réduites au silence."

- 158. NORTH AMERICAN (Supplement), 4 July 1851.
- 159. IBID.
- 160. IBID.
- 161. IBID.
- 162. GLOBE, 1 July 1851.
- 163. JOURNAL DE QUEBEC, 1 July 1851.

MONDAY, 30 JUNE 1851.

(120)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Price,--The Petition of Archibald McCallum and others, of Upper Canada.

By Mr. Bouthillier,--The Petition of the Reverend M. Townsend and others, the Board of Directors of the Clarenceville Academy; and the Petition of E. Cartier and others, Censitaires, of St. Hyacinthe and other Parishes, in the County of St. Hyacinthe.

By the Honorable Mr. Badgley,--The Petition of the Reverend William T. Leach, D.C.L., and others, the Ministers, Churchwardens, and Congregation, of St. George's Chapel in the City of Montreal; and the Petition of the Montreal and Vermont Junction Railway Company.

By Mr. Nelson,--The Petition of the Reverend Jean B. Bélanger and others, of the County of Richelieu, Censitaires.

By Mr. Letellier,--The Petition of the Reverend L.A. Bourret and others, of Ste. Anne de la Pocatière; and of the Township of Ixworth, County of Kamouraska.

By Mr. Bell,--The Petition of the Municipal Council of the United Counties of Lanark and Renfrew.

By Mr. Sherwood of Brockville,--The Petition of James Jessup, of the Town of Brockville, Esquire; and two Petitions of the Municipal Council of the United Counties of Leeds and Grenville.

By the Honorable Mr. Sherwood,--The Petition of Jonathan Bartlett and others, of the Township of Whitby.

By the Honorable Mr. Robinson,--The Petition of Thomas P.S. Brown, Esquire, and others, of Saltsfleet, and other Townships, in the County of Wentworth.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of E.B. Franchère and others, and of Jason C. Pierce and others, all of the Counties of Rouville and Chambly; praying that the application of the Champlain and St. Lawrence Railroad Company for authority to construct a Bridge across the River Richelieu may not be granted.

Of the Municipality Number One of the County of Rimouski; praying that the Municipalities Bill of Lower Canada may not pass into Law during the present Session.

Of John McKenzie and others, of the Parishes of Terrebonne and Lachenaie; praying aid to render navigable the River Jésus to the village of Terrebonne.

Of J. Gillespie and others, Merchants, of the City of Quebec, and others engaged in the Lumber Trade; praying aid for the construction of slides and the erection of booms at certain places on the River St. Maurice.

Of Alexander Haddan and others, Elders, on behalf of the Congregation of St. John's (Free) Church, Quebec; praying for the adoption of measures to abolish labor on the Lord's Day in the Postal Department of the public service.

Of the Reverend N.A. Leclerc and others, of Lambton and other Townships; praying aid to improve the Lambton Road, and for the construction of bridges.

Of Peter Perry, Esquire, and others, of Upper Canada; praying for the passing of an Act to relieve all persons engaged in the practice of Physic, or cure of disease, from the legal penalties to which they may now be liable for practising without a license, making them responsible only for the due performance of their duties.

Of William Bowman and others, of St. John's and St. Athanase, Lower Canada; praying for the construction of a Canal similar to the St. Lawrence Canals, to connect the waters of the River St. Lawrence with those of Lake Champlain.

Of Messrs. J. and W. Northwood and others, proprietors of Steam Flouring and Grist Mills in the Vicinity and Town of Chatham; praying that the Bill to regulate the amount of Toll to be taken in Mills in Upper Canada may not pass into Law.

Of J.P. Shepherd and others, Depositors in the Montreal Provident and Savings Bank, and others, the Committee representing the Depositors generally in the said Bank; complaining of the mismanagement of the Trustees or Directors of the said Bank, and of the delay in winding up of the affairs thereof, and praying for the appointment of an official manager or managers for that purpose.

Of Louis Cyrus Macaire, late of the City of Montreal, Hotel-Keeper; representing that the Hotel kept by him in the said City was, in the year 1849 while in the possession of the Civil as well as Military authorities for the purpose of holding a Coroner's Inquest therein, destroyed by fire,--and praying indemnity for his loss thereby.

Of Archibald Campbell, Esquire, and others, of the City of Quebec; praying an Act of Incorporation under the name of the "Quebec Music Hall Association."

Of the Municipality of the Township of Murray; praying that no alterations be made in the limits of the said Township.

(121)

Of John C. Boswell and others, of the Townships of Hamilton and Haldimand; praying that the Act incorporating the Cobourg and Grafton Road Company may be so amended as to compel the said Company to compound for tolls with those persons who reside along the line of the said Road.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Kamouraska and
Aylmer Court
Houses and
Gaols Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to appropriate the monies arising from Duties on Tavern Licenses in the Counties of Kamouraska, Rimouski, and Ottawa, towards defraying the cost of the

Court House and Gaol erected at Kamouraska, and the Court House and Gaol now being erected at Aylmer," to which they desire the concurrence of this House:
And also,

Toronto Hos-
pital Trustees
Bill.

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act incorporating the Trustees of the Toronto Hospital," to which they desire the concurrence of this House.

And then he withdrew.

Kamouraska and
Aylmer Court
Houses and
Gaols Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to appropriate the monies arising from Duties on Tavern Licenses in the Counties of Kamouraska, Rimouski, and Ottawa, towards defraying the cost of the Court House and Gaol erected at Kamouraska, and the Court House and Gaol now being erected at Aylmer," was read the first time.

Toronto Hos-
pital Trustees
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Trustees of the Toronto Hospital," was read the first time.

Eleventh Report
of Committee on
Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of John Moore and others for incorporation of the Town of Sherbrooke, and of John Hall and others for incorporation of a Company to construct a Railroad from Lake Huron to the St. Lawrence, and find that the Rules of Your Honorable House, relative to notices, have not been fully complied with in either case.

The Petition of the Bytown and Prescott Railway Company does not pray for further powers to be granted to the said Company, or for any deviation from the original line of Road, and Your Committee therefore do not consider it of a nature to require the publication of notice.

The Petition of the Municipal Council of the County of Peterborough, and of the Town Council of the Town of Peterborough, being merely in favor of the above Petition of John Hall and others, Your Committee humbly conceive ought not properly to have been referred to them.

Fourth Report
of Committee
on Printing.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fourth Report of the said Committee; which was read.

Appendix (D.D.)

For the said Report, see Appendix (D.D.)

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be committed to a Committee of the whole House, for Monday next.

First Report of
Committee on
Public Accounts.

Mr. Christie, from the Select Committee to which were referred the Public Accounts of the year 1850, with power to report from time to time, presented to the House the First Report of the said Committee; which

was read, as followeth:--

Your Committee in proceeding to the duty assigned them by Your Honorable House, have deemed it proper to take up and examine in the first place, as a preliminary necessary to the action of the House thereupon, the Account No. 33, being "a Statement of Warrants issued on the Receiver General, between the 1st February, 1850, and the 31st January, 1851, in payment of various indispensable Expenses of the Civil Government of Canada, and for which a Supply is required," amounting in all to Nine thousand seven hundred and eleven pounds two shillings and four pence currency, advanced on the responsibility of the Executive for the various services therein specified, and for which a Vote of Your Honorable House and Act of Indemnity is necessary.

The different items constituting this amount have been minutely examined by Your Committee, who find no reason to suggest to Your Honorable House any objection against the Vote required by the Executive to cover the same. Your Committee however observe with respect to the item of One thousand five hundred and twenty-eight pounds, advanced "Jacques Viger, Esquire, Treasurer, and one of the Commissioners under the Act 12 Vic. cap. 56, on account of the salaries and contingent expenses of the Commission for Rebellion Losses in Lower Canada, from 1st September 1850," that this amount, if made good by the Vote of Your Honorable House, should be charged against the appropriation made by that Act, and not in addition to it.

Your Committee also observe with respect to the item of One hundred and ten pounds eighteen shillings and seven pence, advanced for "the payment and contingent account of the Quebec River Police for the month of November last,"

that this amount has been refunded into the Treasury by the Quebec Board of Trade; it consequently is to be deducted from the amount, (Nine thousand seven hundred and eleven pounds two shillings and four pence,) stated in said Account No. 33, for which a vote is desired; and which done, the amount to be made good is Nine thousand six hundred pounds three shillings and nine pence, and for which, accordingly, Your Committee recommend that a Bill of appropriation and indemnity be passed.

Your Committee have furthermore to observe, that the item of One hundred and forty-nine pounds two shillings and three pence, in this Account, for "Pay list and contingent expenses of Rural Police at Nicolet, for the month ending 10th January, 1851," having rendered it necessary to look into the causes that induced the outlay for a temporary Police Force in that quarter, have taken information on the subject, which they have hereunto appended.

Your Committee deem it also their duty to remark, that in one of the Accounts which they have called for and examined, in connexion with the last item in the said Account No. 33, there is a charge of Four hundred and six pounds seventeen shillings, for commission of five per cent. on the outlay of Eight thousand one hundred and thirty-seven pounds, by persons employed in this City as Architects, "for their professional services in directing and superintending the adaptation of the Parliament Buildings therein to Legislative purposes." A portion of this latter sum is, they observe, for furniture and moveables purchased for the fitting up the apartments and offices appertaining to the Legislature, and upon the cost of which an agency of per centage has been allowed. This, however, Your Committee find on inquiry, to have been acquiesced in by the Executive by way of compromise for a larger claim by the Architects, which there is reason to believe might, if referred to arbitration, have resulted unfavorably to the public. Your Committee suggest that no such agency or per cent-

(122)

age be in future allowed upon the outlay of public money for any of those purposes, either to architects, superintendents, or others employed in repairing, furnishing, or fitting up public buildings, beyond the remuneration agreed upon before entering upon the work undertaken by them; and that in all such cases contracts for the work to be done should be previously and in due form entered into.

MINUTES OF EVIDENCE.

Thursday, 26th June, 1851.

Joseph Cary, Esquire, Deputy Inspector General, called in; and examined:--

1. The Committee wish to know, in reference to the item in Account No. 33, (Accounts of 1850,) of £350 paid W. Bristow, W. Snaith and C.E. Belle, as Commissioners to enquire into the affairs of the Montreal Savings Bank, how much each of those persons receive per day, and how long the Commission may last,--and why it should be at the public expense?--The Commissioners receive 25s. per diem each. Mr. Belle acts as Secretary as well as Commissioner, but receives no additional remuneration therefor. Advices have been received from them that their Report is completed, and was to be forwarded to Government by one of the express lines, as the bulk was too great to be transmitted by mail. Having reported, their labors must have terminated. The appointment of Commissioners is required by law; it was considered to be at the public expense, under 13 & 14 Vic. cap. 98.

2. There is an item of £149 3s. 3d. towards the expense of a Police Force at Nicolet, District of Three Rivers; is it still employed, and on what occasion did it become necessary?--As respects the services of the Rural Police Force in the District of Three Rivers, it is expected that they will be dispensed with shortly. The necessity for the establishment of that Force arose from the con-

tinuance of the excitement and agitation, as well as the spirit of incendi-
arism, in that part of the country after the Troops had been withdrawn.

Thomas Fortier, Esquire, a Member of the House, called in; and examined:--

3. The Committee desire to call your attention to the item £149 3s. 3d.,
(in Account No. 33,) for pay list and contingent expenses of the Rural Police
at Nicolet, for the month ending 10th January, 1851; and would be glad to learn
your opinion as to the necessity there may have been of employing this Police
Force in the County you represent?--The Police Force was necessary in the
Parishes of the County of Nicolet, both for the execution of the law, and the
preservation of the peace; but when peace was re-established, about the month
of February in the present year, the Police was no longer required. I am not
aware of the reason why the Force remained in the County after the rioters
had returned to their duty, for I was always under the impression that peace
had prevailed in all the Parishes of the County of Nicolet for several months.
It was only on my leaving for Toronto that I learnt from a Magistrate at
St. Grégoire, that there was a Police Force, under the command of Major Johnson,
at the village of Nicolet.

Antoine Polette, Esquire, a Member of the Committee, examined:--

4. State to the Committee your opinion as to the necessity of employing
Stipendiary Magistrates, and a Police Force at Nicolet, and in other parts of
the Counties of Nicolet and Yamaska last year; and whether the same are still
necessary, if not, since when have they ceased to be so?--It was absolutely
necessary to employ Stipendiary Magistrates, and a Police Force, to make an
enquiry in order to discover the authors of the burning of Norbert Belliveau's
barn, and of the troubles which had taken place at St. Grégoire, and to take
proper measures for bringing them to justice; and also in order to put an end
to the troubles and excitement that existed in this locality. I have not had
sufficient information to enable me to judge whether the presence of these
Magistrates and the Police was very necessary in other parts of the County of
Nicolet, or in the County of Yamaska. This show of force does not seem to me
to have had a good effect in certain localities where it made its appearance,
and I think its presence in these localities was only looked upon with mistrust
and disapprobation; and what confirms me in this opinion is, that the School
house of the Village of Yamaska was set on fire while the Force was in the
Parish, and on the eve of departure. It is only from what the Deputy Inspec-
tor General stated before this Committee, that I learned that one of the
Stipendiary Magistrates was still at Nicolet with the detachment of Police.
I am convinced that this Police Force has been perfectly useless in any part
of these Counties since the last Term of the Court of Queen's Bench holding
Criminal jurisdiction, and I think it was useless before then. From infor-
mation I have gathered, the Government have only maintained this Force at
Nicolet until the present moment on the representations made to them that it
was necessary to do so, so that the Government are fully justified in allowing
it to remain there; but I am also informed that those representations were
exaggerated; and my opinion is that this Force is unnecessary now.

Monday, 30th June, 1851.

Thomas A. Begly, Esquire, Secretary of the Commission of Public Works,
called in; and examined:--

5. The Committee perceive in an account by Messrs. Cumberland and Ridout,
Architects, against the Board of Works (1849-50), a charge of £406 17s. as
commission at five per cent. on £8,137 for professional services in directing
and superintending the adaptation of the Parliament Buildings in this City to
Legislative purposes; was the whole of this expenditure (£8,137) for merely
professional services, or did it include also certain amounts for furniture,
&c., for those Buildings; and, if so, why was a per centage allowed the Archi-

fects upon that outlay, as well as on the outlay for the work properly professional?--Objection was taken by the Commissioners of Public Works to that portion of Messrs. Cumberland and Ridout's account, charging a commission on carpets and furniture, as well as the furnishing of plans, which remained unsettled from the month of August, 1850, until January, 1851. The Commissioners then finding that no agreement had been made by the Honorable Mr. Cameron with Messrs. Cumberland & Co.; and the latter having stated that they had the opinion of the Architects of Toronto that their charge should have been six instead of five per cent. as well as from the other explanation contained in their Letter of 3rd December, 1850, a copy of which I lay before the Committee, consented to pay them their charge, deducting the sum of £25 5s. 3d. for plans furnished for work upon which they had charged a commission for superintendence.

(Copy.)

Toronto, 3rd December, 1850.

Sir,--Some months having now elapsed since I had the honor of submitting my account to the consideration of the Commissioners, and a balance still remaining to be paid thereon, I beg that you will be good enough to bring the subject again before them with a view to its settlement.

I have seen the Honorable Mr. Cameron, by whom my services were engaged, and it is his opinion that I am entitled to the usual commission paid to Archi-

(123)

fects. He apprehended that such would be the charge when he instructed me; and inasmuch as my account is after a rate of £1 per cent. less than that charged by others for repairs and alterations, I am at a loss to conceive how any further reduction can be justified. I would submit that the selecting, ordering, measuring, and checking, and certifying of the furniture purchased was committed to me; that a considerable quantity of it was obtained at distant places, as Montreal, New York, and Hamilton, involving much correspondence and some expense; that a large portion was prepared from designs made in my office, and the whole executed and fitted under my constant supervision. It could not be expected that I should undertake so unusual and anxious a duty without recompense; and being well assured that the supervision resulted in economy to the Government, and that the works have met with very general approval, I would respectfully request that the balance of my account still due may be paid.

I would further add that some important items of expenditure submitted to my management have not been included in that account, although they involved much trouble and would fully justify the charge of the commission.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) FRED. CUMBERLAND.

T.A. Begly, Esquire, &c. &c.

Ordered, That the said Report be printed for the use of the Members of this House.

Territorial
Divisions.

Ordered, That the Petition of W. McCay and others, of the Township of Nelson; the Petition of the Municipality of the Township of Nelson (against the Division of Halton); the Petition of Peter Desjardins, Esquire, and others, of the Township of Tilbury West, County of Kent; and the Petition of George Duck, Esquire, and others, of the Counties of Kent and Lambton, be referred to the Committee of the whole House on the Bill to make certain alterations in the Territorial Divisions of Upper Canada.

Petitions
referred.

Ordered, That the Petition of Archibald Campbell, Esquire, and others, of the City of Quebec; and the Petition of C.H. Waterous, of the Town of Brantford, Engineer, be referred to the Standing Committee on Standing Orders.

Post Office
Department.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 9th instant, praying His Excellency to cause to be laid before the House,--1st. A Return containing the name of each Post Office in Canada, the County and Township of Seigniorly where situated, and the name of the Post Master, and the salary when fixed. 2nd. Information respecting all Contracts for the conveyance of the Mails in force when the Department came under Provincial control, or which have been made since, with a copy of the Rules under which Mail Contracts are offered. 3rd. A Return of the names of all Clerks and other functionaries now employed in the Department of the Post Master General, and stating their places of residence, the nature of their respective duties, and the rates of compensation paid them at present. 4th. A Copy of the Instructions for the guidance of persons acting under the Department (Post Masters.) 5th. A Copy of the Agreement with the United States for reciprocal Postage. 6th. Copy of the Instructions which are in force as to the hours of which the Offices at Toronto, Montreal, Quebec, Hamilton, and other Incorporated Towns, are to be kept open for the public convenience. 7th. The gross Revenue of the Post Office in Canada for the last fiscal year, together with the expenditure classified under the various heads under which the Accounts are kept.

Appendix (E.E.)

For the said Return, see Appendix (E.E.)

MR. AT. GEN. BALDWIN¹ rose amidst profound silence to make² the following³ explanation.... Before proceeding to the orders of the day, he begged leave to crave the indulgence of the House⁴ for a few moments⁵ to make a few statements⁶ relative to himself⁷ ... [and to] the position in which he stood in this House. He would endeavour to be as brief as possible.⁸ He said, I suppose by this time it is⁹ already very well known¹⁰ that I have ceased to hold the honourable office which I held the past week.¹¹ In consequence of the vote which this House came to on¹² Thursday¹³ evening he felt it his duty to tender his resignation of the office he then held. This resignation had been since accepted and he now held office only until his successor was appointed. As the circumstances of his resignation, perhaps, might be considered peculiar, the House, he hoped would indulge him while he made a few remarks.¹⁴ [He said] I will point out the position in which I felt myself placed.¹⁵ In the position he lately held as First Law Adviser of the Crown, he conceived that it became¹⁶ particularly his duty to pay particular attention to¹⁷ all matters referring to the judicial condition of the country¹⁸, the organizations of the judicial tribunals, and the judiciary system of Upper Canada¹⁹. The matter of the Judiciary of Upper Canada had occupied his attention for many years prior to his²⁰ acceptance of the honorable office²¹ he had²² lately held. Thus²³ for some years passed²⁴, he had expressed himself in favour of a new organization of the Common Law tribunal. For many years he had expressed an opinion that the administration would be more satisfactory were the judiciary powers vested in two courts rather than in one²⁵ which has now been established.²⁶ Mr. Baldwin briefly reviewed the history of the Chancery Court in Upper Canada, and pointed out the steps which had been taken to make it what was desired.²⁷ From the position he occupied in 1840 and 1843 the subject pressed itself upon him²⁸, and though ...

[he had] felt some doubts²⁹ as to the machinery by which Equity should be administered,³⁰ he endeavoured to form the best judgment, he was able upon that subject.³¹ [He said:] my doubts were upon the point whether there should be one or more judges,³² whether it was better that the equitable power should be vested in a single judge or in a tribunal consisting of more judges than one³³ and I leaned to the opinion that it was desirable to follow the precedent in England, and have but one³⁴ [and] he had always been in favour of it being administered in a separate court.³⁵ That was the position in which he stood privately. In 1837, the act under which the Court of Chancery was originally³⁶ created³⁷ was passed--brought in by justice Hagerman and supported by all the members of the profession except two. As population and the business of the country increased,³⁸ the defects of the system became more apparent, and³⁹ the necessity of reorganization of the judiciary system⁴⁰ arose⁴¹ and⁴² naturally attracted more and more attention⁴³ of the public, and the profession generally, who with the interests of their clients in their hands felt the inconvenience much more acutely than the rest of the community.⁴⁴ At last, in 1844 or 1845,⁴⁵ this matter was taken under consideration and a meeting of the⁴⁶ bar was held, at which the hon. member for Toronto presided,⁴⁷ with a view to consider in what measure the evil could be remedied. He had not been able to find the report of the proceedings of that meeting, but he believed the most distinguished members of the profession were present, and the result was a memorial⁴⁸ addressed⁴⁹ to the head of the government, requesting that the judiciary should be remodelled. That memorial embodied the principles⁵⁰ almost precisely⁵¹ [like] the change recently introduced. The honorable gentlemen who took part in that meeting justly considered that the proper place in which to apply was the head of the government, and the memorial was consequently presented. Nothing was, however, done, and consequently, in⁵² 1846⁵³ [OR] 1847 another meeting was held, at which a petition⁵⁴ to parliament⁵⁵ was drawn up, and entrusted to his (Mr. Baldwin's) hands. It was presented to the House, and became the subject of very great consideration. In consequence of this, as on other occasions, he urged upon the government⁵⁶ of the day⁵⁷ the necessity of improving the judicial system, and he pledged himself to give them the best possible assistance⁵⁸ [and] support⁵⁹ in his power, without reference to party politics⁶⁰ in reconstructing the system. For what reason, it was not for him to say, but the result was that the government declined⁶¹ to take action on the question⁶², and in the position in which he then was, he did not feel authorized to take the initiative by bringing forward a measure. His duty was to urge it upon the Government and assure them of all the support he could give, and having done this he felt he had done all that in the position he held he should have done.⁶³ Soon after came the dissolution of parliament.⁶⁴ The great battle of the change in the constitution of the country had been fought and won, and he⁶⁵ then felt it proper⁶⁶ therefore, in coming before his constituents it was necessary he should indicate some of the principal points he conceived the ensuing legislature⁶⁷ should⁶⁸ be called upon to take action. Amongst others was the important subject of the Judiciary.⁶⁹ Here the hon. member read⁷⁰ an extract⁷¹ from the address to his constituents in 1848, pointing out the ... desirability of putting the Chancery Court on a better footing, and making the Court of Appeals more efficient.⁷² He was anxious to see the Court of Appeals, as well as the Common Law somewhat more adapted to the wants of the country. He was desirous of stating this, lest it should have escaped the attention of some hon. gentleman, that not only in his place in Parliament, but also in his address to his constituents, he spoke of the necessity of a change. With regard to the petition presented in 1846⁷³ [OR] 1845,⁷⁴ nothing was done.⁷⁵ The hon. gentleman then read from the⁷⁶ petition of the Bar of 1845⁷⁷ to which he had previously adverted⁷⁸, to show that the changes

actually made were as nearly as possible those recommended in those petitions. The House acceded to the passing of the bill for the carrying out of that scheme, and the Profession were nearly unanimous in their approbation.... But to go back a little,⁷⁹ the petition had complained that there was only one common law court of superior jurisdiction, and in fact no court of appeal⁸⁰. A meeting was held by the profession, and after mature deliberation, they were satisfied that the system was not fitted to secure the ends of justice, much less to inspire suitors with the correctness of the decision. They proposed two Superior Courts of Common Law, in lieu of the one then existing, and that the Court of Chancery, be presided over by three Judges. These matters would be attended with little additional expense, the primary decisions would be rendered more satisfactory, while by the combination of all the Judges, a Court of Appeals could be formed, that would give the utmost satisfaction. The only Court of Appeal that existed prior to this, was one consisting of members of the Executive Council, and one which could not be generally considered satisfactory. Shortly after this petition was presented, the present Chancellor⁸¹, Mr. Blake,⁸² addressed a letter to him, (Mr. Baldwin),⁸³ long before his acceptance of office, or before any great prospect of it existed⁸⁴, showing the views he entertained in reference to the nature of the petition, and showing that the system of judiciary was radically defective⁸⁵, and objecting to the Court of Chancery being presided over by one judge instead of three. These were the opinions of the Chancellor previous to the late election; and in the main features he (Mr. Baldwin) entirely concurred.⁸⁶ The hon. gentleman here read from Mr. chancellor Blake's⁸⁷ published⁸⁸ letter.⁸⁹ This letter ... urged upon him the necessity for undertaking these reforms. But feeling that it was the duty of the Government of the day to undertake the plan, he was satisfied that he had done his duty in offering his support.⁹⁰ It became necessary for him, in the altered position of the country, to consider who was the person whose assistance might be looked for by himself and those who were to act with him⁹¹. In consequence of the retirement of Mr. Small from public life⁹², and from the opinions expressed in the letter alluded to, he had no hesitation in directing his attention to Mr. Blake⁹³ as [a] gentleman likely to give valuable assistance in public affairs.⁹⁴ And learning that that gentleman was willing to embark in political life, he thus secured the advantage of his services. An election came on, and he need not say what was the result.⁹⁵ After the elections, he (Mr. Baldwin), was called upon to assist in forming a government⁹⁶. Hon. gentlemen opposite were sanguine that the result would be in their favour, but it turned out otherwise, and his friend Mr. Blake was also called to office. In the first Session⁹⁷ it then became the duty of that hon. gentleman and of himself, to take up the course they had marked out in conjunction with the leading men of the bar, in that part of the country at least⁹⁸, [and] it became a necessary part of our duty to consider what we had pledged to ourselves before the public--to consider the re-constructing of the judiciary. One single Judge, or three Judges, was the only point that remained to be discussed; and although he never so fully expressed himself, yet he did not feel the same strength of conviction upon that point. One point to be gained was the advantage it enabled us to organize a sufficient Court of Appeal. The consequence was that in 1849 a bill⁹⁹ for remodelling the Court¹⁰⁰ was drafted by his hon. and learned friend¹⁰¹, Mr. Blake¹⁰², whose assistance he was glad to avail himself of, altho' of course he felt himself as responsible as if he had drawn it up himself¹⁰³ [and] as if his hon. friend Mr. Blake had had no hand in [it]....¹⁰⁴ There have been unjust¹⁰⁵ [and] ungenerous¹⁰⁶ references to the part his friend took in carrying this bill through Parliament. He stood before the country therefore, as having taken up the subject of the judiciary in Upper Canada, which, from the position he was in, he considered it his special duty to con-

sider. Having taken it up and dealt with it in the manner he considered best adapted to meet the wants and the interests of the country, and he had a right to say, with the¹⁰⁷ unanimous support¹⁰⁸ [and] approval of the whole profession¹⁰⁹. The only member who thought proper to divide the house on the question was the hon. member for Brockville (Mr. G.S.).¹¹⁰ That measure was passed. It is scarcely two years since it became the law of the land, and yet within that short time he found¹¹¹ the majority of the members from Upper Canada¹¹² [and] nearly all the members of the profession, voting for the motion of the member for Haldimand to abolish the Court of Chancery¹¹³, for that, in spite of all explanations, was the purpose of the motion.¹¹⁴ Whatever nice distinctions may be drawn upon the subject we must look to the words of the motion, which was [sic],--"That a Special Committee of seven members be appointed by the House, with instruction to report by bill, or otherwise, for the abolition of the Court of Chancery, and for conferring Equity powers, in certain cases, upon the Courts of Common Law." The member for Haldimand, was supported by 25 members of the House and among them by six gentlemen, who have been considered supporters of the¹¹⁵ present¹¹⁶ administration, seven of the others, members of the bar,¹¹⁷ including a former Solicitor General, ... two gentlemen who had been Attorneys General, and who had voted for the Bill in 1849, and two who had been members of former administrations.¹¹⁸ These gentlemen have, recorded their votes¹¹⁹ in the yeas¹²⁰ upon the motion of the member for Haldimand upon this purely professional question. While 12 years were given to try the system of equity jurisdiction¹²¹ [in] Upper Canada¹²², as settled by Mr. Justice Hagerman, they refuse two years time to try a bill brought forward at his special responsibility,--a, measure supported out of the House by the opinions of gentlemen of the bar, and opposed in the House by five solitary members, only one of whom belonged to the profession, and involving the most important considerations that can come before the country. It is only two years since the last arrangement was made, and a much shorter time since it came into operation,¹²³ yet after two years of the new system, hon. members were ready to deal this summarily with as important a measure, and this though the present arrangement was admitted by the gentleman who brought forward the motion¹²⁴ as having been productive of good¹²⁵ to have greatly reduced costs, shortened pleadings, and diminished the time during which suits were pending.¹²⁶ Notwithstanding all that, Upper Canada says, we shall refuse two years' trial to this scheme brought in under the circumstances he had related, and productive of good, and promising still further to be adapted to the wants and interests of the country. If, therefore, as the author¹²⁷ or at least the responsible author¹²⁸ of that bill of 1849, he was unable to procure from his friends in Upper Canada a trial of the measure for two years, what prospect could he have that Upper Canada would entertain the opinion that he was able to sustain the institutions of the country and protect them from¹²⁹ the consequences of mere demagogue clamour¹³⁰ [and] influences.¹³¹ I wish now to call those members to the careful consideration of the motion¹³². It is a matter far beyond all considerations of¹³³ mere party warfare, and fraught with consequences¹³⁴. It is one that ought to sink deeply into the mind of every man, for we, our children and our children's children are deeply interested in it.¹³⁵ All were deeply interested, in these institutions, especially were they in those which concerned the administration of justice.¹³⁶ He felt, therefore, in the position, as peculiarly responsible for a measure brought in under such circumstances, and belonging to a class of measures that he had taken a deep interest in. The fact that this hon. House should refuse the opportunity of having the measure tested by a few years experience, although the previous one had twelve years to test it, was an evidence that he was no longer fit to occupy the position or attempt to perform the duties of the situation

he then held.¹³⁷ [He was] an intruder.¹³⁸ He felt it his duty to his sovereign, to this House, and to his country, to tender his resignation¹³⁹ which has been accepted.¹⁴⁰ He could not close without returning¹⁴¹ thanks to the Speaker, and to the House, for the kindness and consideration ... [he had] constantly experienced.¹⁴² He tendered his warmest thanks to those who had all along supported him while he was honoured to lead the business of the House. To the honourable members opposite he wished to tender his thanks, if there have been asperities passed, they were merely¹⁴³ felt on ... [his] part but¹⁴⁴ for the moment. He felt that there was nothing to deprive them of that intercourse which is desirable in public concerns¹⁴⁵ and ... there has been nothing to prevent the best private feeling from continuing between ... [himself] and every member of the House.¹⁴⁶ To his colleagues,¹⁴⁷ especially¹⁴⁸, all of whom he held in the highest esteem, he tendered his deepest gratitude,¹⁴⁹ [and] best thanks for their kind co-operation,¹⁵⁰ and would assure them of his assistance to the very best of the humble talents he possessed, in sustaining them in their honourable cause.¹⁵¹ In or out of Parliament, ... [he would] always be ready to lend them ... [his] best services to assist them to serve their country--and that ... [he knew] they desire with a zealous and disinterested patriotism which has never been exceeded.¹⁵² (Here the hon. gentleman seemed quite overcome, and the deepest sensation was felt throughout the House.) After a pause he recovered, and thanked his friends in Lower Canada for the constant support he had received from them upon all questions of importance.¹⁵³ [He would] never ... forget the noble and generous confidence they have bestowed upon ... [him].¹⁵⁴ He was desirous to perform the duty which he yet might be called upon to do. He had no desire to shrink from any duty so long as his country would desire his services, and Providence shall bless him with health, and he should perform these services with the best of his judgment the Almighty gives him.¹⁵⁵ Whenever ... [he could] render her any service ... he would be proud to execute it in the best manner that ... [his] poor talents ... [would] allow.¹⁵⁶ He thanked the House for their indulgence and then resumed his seat.¹⁵⁷ The hon. member who had been affected to tears during the latter part of his remarks, sat down amidst many similar demonstrations on the part of gentlemen sitting near him.¹⁵⁸

The speech was listened to by the House with the most earnest attention; and at several points a strong feeling of sympathy with the speaker was manifested by many members.¹⁵⁹ The closing remarks of the hon. gentleman were very affecting, and the eyes of many members were filled with tears.¹⁶⁰

COL. PRINCE, MR. WILSON, and SIR A. MACNAB followed--all expressing their high esteem and respect for the Attorney General, and eulogising his conduct as a member and leader of the House.¹⁶¹

COL. PRINCE said at all times it was an affecting thing to part with an old friend, whether a political friend or foe.¹⁶² He had listened to the hon. members [*sic*] speech, and sympathized with his feelings, and with those of his friends around him.¹⁶³ He felt¹⁶⁴ that he, among others, had used bitter words which he deeply regretted in the ebullition of a moment of irritation¹⁶⁵, and though many a rough word had fallen from him, (Col. Prince,) called forth by injuries which were, perhaps, only fancied injuries, he hoped that in the words of Sterne, a recording angel had dropped a tear upon the book, and blotted them out for ever. There were few men whom he (Col. Prince) respected more and few whom he had opposed more constantly than the hon. member, and yet his hon. friend must pardon him for saying that he thought the¹⁶⁶ vote on the motion of the member for Haldimand was not a sufficient reason for his resigning¹⁶⁷; he thought he should have remained to carry those excellent bills now before the House. Was it a reason to resign because a motion was carried

by a majority of four?¹⁶⁸ Why, ... [given] the circumstances of this country, four was a pretty good majority.¹⁶⁹ This motion was a mere interlocutory one, and not of a kind which bound the ministry: for his own part he hoped to see the effect of many good measures past [sic], and hoped to see many more good measures pass during the present session. He therefore could not see why the hon. member should have resigned.... Why look at ancient days: his hon. friends around him¹⁷⁰ [in] the late ministry¹⁷¹ had often had only a majority of two in their favour; but yet they did not conceive it necessary to resign, (laughter) nor did Mr. Pitt¹⁷², the greatest of statesmen,¹⁷³ resign when he had majorities of two or three or four¹⁷⁴ [or] five¹⁷⁵ against him, because his duty to his country required him to continue his services.¹⁷⁶ The hon. gentleman should not have acted thus on a personal feeling—he had let feeling overcome his ... [sense of duty]. For his own part he would support the hon. gentleman in all his measures until the close of the session.¹⁷⁷ The hon. gentleman then went on to show that the Court of Chancery has not been improved by the Act of 1847, and argued therefrom that the Attorney General was wrong in complaining that he had been deserted without a cause.¹⁷⁸ He (Colonel Prince) was not at Montreal when the bill passed, but had he been there he would have voted against the bill. The reason why Mr. Baldwin did not get for his Court of Chancery the ... [support] Mr. Hagerman's got was that people had already tried the Court and when Mr. Baldwin came they were sick of it. The profession had discovered that the principle of Chancery was not what it has been thought to be.¹⁷⁹ The hon. member then went over the defects of the old and new Courts of Chancery, alleging that in spite of them he did not wish to see the court utterly abolished, but only reformed¹⁸⁰. He (Mr. Prince) was not in favour of abolishing equity—we could not exist without it—even Mr. Mackenzie admitted that—he wished to transfer this power to the Common Law Courts. If this change was to be made, however, it was not by a committee of this House, but by a commission regularly issued during the recess. He thought, therefore, the Attorney General should not have resigned, and he implored him to reconsider what he had done, and resume the post, for which he was so well qualified. He had already spoken of him as a man he admired and respected¹⁸¹ and¹⁸² he again expressed his regret at the resignation of the late Attorney General.¹⁸³

MR. INSP. GEN. HINCKS then rose and stated, that after the vote of Thursday, it became necessary for the Government to do something.¹⁸⁴ [He] considered it was due to the House as well as to the party with which he had so long acted¹⁸⁵ and [to] the country¹⁸⁶, to specify the course he intended to pursue¹⁸⁷ [and] to say why he and his other colleagues had not felt it necessary to take the same course as the hon. Attorney General.¹⁸⁸ Before doing so he would say¹⁸⁹, on behalf of his party,¹⁹⁰ he was sure there is not a member in this house who does not feel after having listened to the speech of his hon. friend that he is perfectly justified in the course he has taken. He felt as a member of the party, with whom the hon. member has long acted, that he¹⁹¹ had done justice to them whether they had done justice to him or not.¹⁹² It would be presumptuous [sic] in him (Mr. H.) to enter into a discussion on the question of the Court of Chancery¹⁹³ which had been so ably treated¹⁹⁴. At the same time he was not indifferent to the state of public opinion, in reference to the judiciary¹⁹⁵, but he confessed he was not unaware of what ideas the profession had formerly entertained, and that he therefore felt exceedingly surprised at the vote of Thursday night.¹⁹⁶ After the expression of opinion that was given by the House, he did feel it was scarcely possible to help taking some action in consequence of that vote¹⁹⁷. He was, he repeated, exceedingly [sic] surprised.... Though the vote had the appearance of being contrived¹⁹⁸ to exercise an influence over the elections that were soon to take

place, and although he knew that the Court of Chancery as a system was very unpopular,¹⁹⁹ he would, notwithstanding that fact, have been prepared to stand by his hon. friend²⁰⁰ in any step he would wish to have pursued.²⁰¹ If his hon. friend had not taken the step which he had just announced [*sic*] to the House. But his hon. friend feeling that he could not submit to inquiry even, into the Court, and making up his mind that he ought therefore to retire, it became the duty of himself and his other colleagues to consider whether they would be doing their duty in following his example. After the best consideration, they came to the conclusion that they ought not to do so.²⁰²

Hear, hear, from MR. H. SHERWOOD.²⁰³

MR. INSP. GEN. HINCKS [continued:] The hon. member for Toronto cries hear, hear. That hon. member surely does not desire to make any charge of incompetence in our having arrived at this conclusion.²⁰⁴ He supposed that hon. member would not charge him with having taken any particularly active part in the establishment of the system which was recommended by the Law Officers of the Crown. He and his colleagues²⁰⁵ had been guided by the example of British statesmen,²⁰⁶ [and] by the practice in England even during the present session of Parliament²⁰⁷. Under such circumstances, and from the clearly expressed opinion of the country²⁰⁸ [and] of the House, notwithstanding the momentary majority ... they felt that in the present circumstances of the country it would be a most serious²⁰⁹ [and] very wrong²¹⁰ step, of which they could not take the responsibility, to break up the present Cabinet. He had long been and he continued to be of the opinion, that it would be very undesirable that the government of the Colony should be carried on²¹¹ at anytime²¹² in opposition to the clearly expressed wishes of the great majority of either section of it.²¹³ He deeply regretted that during the whole of last Parliament the administration did not command the confidence, at least of the Lower Canada members. It was a gratifying circumstance to him, that²¹⁴ when he accepted office,²¹⁵ [and] when they commenced operations under a new administration, they appeared to have the confidence²¹⁶ of the majorities from both sections²¹⁷ of the Province.²¹⁸ It might be alleged that he and his colleagues had no longer that advantage. It was true that considerable support had been withdrawn from them, yet²¹⁹ at the same time,²²⁰ on examining the state of parties, and on looking to the inevitable [*sic*] consequences of a break up²²¹ [of] the administration, he did not see that there is a unanimity amongst the members of the opposite side of the House, sufficient to warrant the opinion that a stronger administration could be formed by them. He did not find that the conservative party, at the head of which was the hon. and gallant Knight,²²² the ... member for Hamilton,²²³ commanded a majority in the House, and he was bound to say that he did not believe the principles of that party²²⁴ had any great chance of support from the people²²⁵ of Upper Canada. Although he and his colleagues had frequently been charged with bringing forward measures²²⁶ for Upper Canada,²²⁷ and relying upon Lower Canadian members carrying them, yet²²⁸ he did not believe that anything of the sort appeared on the journals.²²⁹ He had never introduced any measure which he did not believe was approved of by a great majority of the people of Upper Canada.²³⁰ The fact was however that his hon. friends from Lower Canada were compelled to depend in great measure on members from Upper Canada to expound the views of the people of that part of the country. The difference which existed in this country is amongst persons of diverse race, laws and religion²³¹ and other circumstances²³²--all these made it impossible to have the same measures for both section of the Province. Notwithstanding this he looked on it as a matter of the greatest²³³ [and most] essential²³⁴ importance to preserve the Union, and that either to agitate a Federal Union on the one hand, or a dissolution of the existing Union on the other would have the effect of giving a shock of great severity to the

public credit, and would probably destroy the hopes entertained for the best interests of the country, so as to render it impossible to carry on the great works in which the prosperity of the Provinces was²³⁵ so deeply involved, and would retard the progress of those that now exist²³⁶ and at the same time cause a reversal of the prevailing prosperity. That being the case, he asked how the Union was to be severed? And he replied by mutual concessions--by taking a statesmanlike view of the circumstances in which the country was placed, and by yielding even to the prejudices of one another²³⁷--to the prejudice if you will--of both parties.²³⁸ He regretted to say there had been indications by a section of the party to which he belonged, that it would be very difficult²³⁹ indeed, unless they changed their policy,²⁴⁰ to preserve this union, and speaking to these persons, he could warn them, that if not preserved²⁴¹ by them, that as a necessary consequence, other combinations must be formed²⁴² for its safety²⁴³ by which the Union must be preserved.²⁴⁴ The union was above everything-- ... the Queen's Government must be carried on even if it could not be done by existing combinations. For himself, he was ready to withdraw at any moment, and give his²⁴⁵ cordial²⁴⁶ support to any party²⁴⁷ [or] any combination of parties by which the Union²⁴⁸ [and] the constitution would be maintained.²⁴⁹

Hear, hear, from the opposition.²⁵⁰

MR. INSP. GEN. HINCKS [continued:] On several of the questions pending before this House, expressions of opinion had been given from which, he gathered that the views he entertained as to the maintaining of the Union did not meet the approbation of those with whom he had hitherto the honour to act. All he could say is that he had given these subjects the best consideration²⁵¹ [and] attention²⁵² possible²⁵³ and if the result should be that the views he entertained²⁵⁴ upon these subjects²⁵⁵ should cause him to forfeit the confidence of his friends,²⁵⁶ [in] the party with whom he had acted,²⁵⁷ he was perfectly ready²⁵⁸ at any moment²⁵⁹ to abandon his position, and let them try to carry on the government.²⁶⁰ He would refer more particularly²⁶¹ to one subject, on which he had perceived indications of want of support in the course pursued by him by a newspaper, lately considered the organ of the party with which he acted--the Globe--which had lately taken the opportunity to attack him and disparage his influence, by censures on the part he had lately taken with respect to the motion of his hon. friend the member for Missisquoi, which involved the²⁶² principle²⁶³ of erecting Ecclesiastical Corporations within the Province. To erect such corporations was part of the polity of the church, with which a considerable majority of the people were connected; and it was also the polity of another church, to which a large portion of the people²⁶⁴ of Upper Canada²⁶⁵ belonged.--²⁶⁶ There was nothing new in the tale²⁶⁷. Time and again these corporations had been established by acts of the Legislature²⁶⁸, passed before and after the union²⁶⁹, and ... during the present parliament ... both to the Roman Catholic Bishop and to the Church of England without any remarks not has a single petition been presented against them.²⁷⁰ And yet with these acts standing on the statute book, he was denounced because²⁷¹ he had stated that he will not be a party to any act (hear, hear,) by which the Church of England shall be placed in an inferior position to any other. (Hear, hear.) That is an important question, and he referred to it now as a fitting occasion to announce his views upon it²⁷² in the clearest manner.²⁷³ There is nothing in the act now sought that there is not in other statutes of Canada, passed since the Union, and all the objections might as well have been brought against²⁷⁴ every similar act which the statute book contained. He was told, indeed, by hon. members who did not belong to the Church of England, that it was not for the good of the Church to make²⁷⁵ certain provisions in regard to their affairs

on the application of one of the bishops of that church. All he could say is, that what is sought for by the bill is precisely what he found to be the law of the land²⁷⁶ in Upper Canada²⁷⁷ at present, and has remained there without any application whatever to be abrogated. He had therefore a right to assume that it is what they desire, and he believed that it interferes in no way with any other religious denominations.²⁷⁸ It simply confers on the Church of England power to manage their own affairs²⁷⁹. For this reason he voted for the Bill, and they could not ask the members in Lower Canada, who are members of a different church, to vote against conferring the same privileges upon others they claim for themselves: and did we ask them they would not do so.²⁸⁰ His personal feelings were opposed to these ecclesiastical corporations; but it was necessary to look at the state of public opinion in the country, and that man had no title to statesmanship, who in the attempt to carry out his own views about church discipline set at naught the feelings of all other persons. Another difference of opinion occurred on the subject of representation by population, and he felt that no wise statesman would think of carrying on the government of the country on any other basis than an equal representation²⁸¹ of the two sections of the Province.²⁸² If they ever placed the Provinces in that position by which one section shall have it in its power to alter its laws or interfere with the other, he believed it would be impracticable to carry on the Government.²⁸³ The worst evils would result.²⁸⁴ He had seen in his native country similar attempts made. Ireland has been governed by persons out of that country, by a majority of English and Scotch members²⁸⁵ having no interest in the soil.²⁸⁶ At the same time, in legislating for both Ireland and Scotland, members have consulted the wishes of both countries. He might advert to other schemes which had been produced by hon. gentlemen, and which would doubtless be discussed in the House in a few days, but he would state shortly, that he would oppose all organic changes in the constitution. The country ought to adhere in the main to defined principles, and then there would be no difficulty in obtaining anything the Legislature might desire to effect. Now the ministry were placed ni [sic] a peculiar position, one of his colleagues had just retired from the Government, and another had for a long time spoken of retiring from public life.²⁸⁷ Mr. Lafontaine would continue through the session.²⁸⁸ He was convinced that in the advanced stage of the session, with a solution necesarily [sic] about to take place immediately, it would be a most ill-advised thing to stop the public business, and break up the Ministry. His friends from Lower Canada have arrived at the same conclusion as himself. If they retired now, a new administration must be formed as a matter of course, and it would be presumptuous on his part to pretend to imagine the consequences. But he might speculate on the course of the party with which he acted. With respect to the questions excited against his hon. friend the Crown Land Commissioner and himself, he thought the treatment they had received was unjust and unfair, and he felt satisfied the persons who had been parties to it, would find that they had only damaged the cause they professed to have at heart. If there was one man in the Province who had laboured consistently in carrying out the measures which public opinion had dictated, it was the . . . Commissioner for Crown Lands, and yet because he, in the responsible position he holds, has not been able to take the course contended for by gentlemen with no responsibility, he had been denounced as a traitor to his party. What the result might be it was impossible to determine; but the present effect was certainly to weaken the hands of his friends and himself. It was well known that there had been differences of opinion on the Reserves among his colleagues, which would have been decided long before, had the question been in a position for decision. But in the actual situation of affairs, it would have been unwarrantable to take any extreme measure to ascertain what

the Government would do in a future contingency. It was quite consistent in avowed opponents of the Government to take every attempt to embarrass it, and he did not blame them for it; but he contended it was not for the interest of the party with which he acted to take that course. The true road to success was a constitutional one--to get the matter fairly before the House, and then to legislate upon it. That would be the proper time for testing the question; not now. His friends and himself had therefore not thought it their duty to take up the question, with a view to its settlement. They left that till the Act of the Imperial Parliament has been past [sic]; and it must be clearly seen that any legislation in the Province would necessarily embarrass the settlement of the question by forcing the Imperial Legislature to commit themselves to a principle, instead of leaving them to decide a simple question whether the Provincial Parliament should be allowed to legislate its own way. Where he differed from gentlemen opposite was, he did not regard the Reserves as vested rights. He was in favor of preserving vested rights, and understood that to be the policy of the Government and when he heard gentlemen from Lower Canada taunted with the danger of an attack on their own institutions, he could only reply that he was not aware of any part of their property which was in the same position as the Reserves. The time was approaching for an appeal to the country, and the country would decide between the Ministry and those who opposed them. For his own part, whatever the decision, he should be ready to sustain any Ministry who would sustain great constitutional principles, notwithstanding their differences on minor points.²⁸⁹

MR. WILSON said, he was unfortunately absent on Thursday when the discussion arose on the motion of the Hon. member for Haldimand, on the abolition of the Court of Chancery. He was also absent from Saturday till this afternoon, and had only heard of the resignation of the Hon. the Attorney General, since he came into the house. He was surprised, at the vote of Thursday evening, much more so, than at what had subsequently occurred, for the moment he saw the division, it flashed across his mind, that the Hon. Attorney General in his conscientious desire to carry out the principles of that kind of government, he had during his whole life advocated, would feel called upon to resign his office. There was no doubt the vote was a censure upon him, for although the hon. Solicitor General at that time, had charge of the bills affecting both the Courts of Common Law and Equity, he, the Attorney General, was responsible for them, and hon. gentlemen well knew that he never had, on any occasion²⁹⁰ [been] disposed to shift the responsibility off himself on to the shoulders of²⁹¹ his colleagues.²⁹² J'étais convaincu qu'il ne courberait pas silencieusement le front devant une pareille ignominie.²⁹³ He was sorry, however, for what had taken place, and more sorry that it had taken place, as it had done.²⁹⁴ The reasons given for the present organization of the Superior Courts of Law and Equity in this part of the Province, had been well explained to the house, by the hon. Attorney General, and need not be repeated. He would confine his remarks to the Court of Chancery, and he would admit to the fullest extent, that under the old administration of Equity in that Court, there was more positive injury done than redressed, and that the country felt if it be a grievance no longer to be borne. Accustomed to the prompt and open redress which the Courts of Common Law afforded, suitors were amazed at the delay, expense and trouble which attended suits in that Court, and gentlemen, even of the profession, were utterly confounded at the enormous length and costs of the proceedings.²⁹⁵ The opinion of the country had certainly been greatly opposed to the Court of Chancery, in consequence no doubt, of its mal-administration²⁹⁶ [and] the country justly clamored against the Court, so that its re-organization became a matter of necessity²⁹⁷ [which] had been universally approved in the profession²⁹⁸. It was well known

to every hon. gentleman, that after considerable progress had been made in the passage of these bills through the house, the present Chancellor, then the Solicitor General, who had charge of them, declared his intention not to proceed with them that session--²⁹⁹ and he might say in answer to the aspersions cast on Chancellor Blake that that gentlemen [sic] ... in accepting office had put up with a salary of not more than one-half what he had made in his profession.³⁰⁰ As soon as the determination was known, the hon. Attorney General was urged, not so much by his own supporters, as by members who on the vote now alluded to, had passed a censure upon him, to proceed with the measures, as those which, independent of party, were what the country, absolutely expected and required. Under these circumstances, the bills became law, not only by the vote, but at the solicitation, of gentlemen, who now, finding no fault with the present Court or its administration, vote virtually to abolish it.³⁰¹ These members ... leading members of the profession ... had allowed the country that it was as infamous now as before its change and that the place of chancellor was created just to give a salary of £1,250 a year to a gentlemen [sic] who could earn twice as much.³⁰²

Des bancs de l'opposition: "Vous devriez être le dernier à parler!"³⁰³
He himself said no judge should have more than £900.³⁰⁴

MR. WILSON: "Si vous aviez pris la position que j'ai prise en 1849 à l'en-droit du bill des indemnités, vous occuperiez aujourd'hui comme parti une position plus honorable."³⁰⁵ Where was the advantage of giving Equity jurisdiction to the Common Law courts? You must have the Equity powers given to some one therefore to give it to the common law courts would only inflict on the latter more than they could manage. No one proposed to blend the two in one system except the hon. member for Norfolk, who appeared in 1849 the most anxious of any one for the separation of the Courts³⁰⁶ and who no doubt had special reasons then, which do not exist now, at all events, he was especially urgent for their passage³⁰⁷ nor did any one feel more mortified than that hon. member, at the particular way those bills were carried out³⁰⁸ but he now voted for the measure of the member for Haldimand.--The Bills having thus passed, it became the duty of the Government to make the judicial appointments to these Courts, and he (Mr. Wilson,) asked hon. gentlemen on all sides of the House, if they did not all turn to the hon. present Chancellor, as the one best fitted to fill the Chancellorship? He was Solicitor General, at the head of his profession: his emolument was probably double his present salary: his industry, his high intent and attainments were known to the country and to the house, and he (Mr. Wilson) asserted that his appointment was made with the perfect concurrence and approbation of gentlemen, who had voted on the late occasion for the motion of the hon. member from Haldimand. In the meantime, the Court had been in actual existence less than two years, during this period a vast arrear of business had been disposed of, the cumbrous proceedings had been abolished, and those of the most simple kind substituted; so simple, indeed, that any member of this House--any man who could plainly state his own case, or his own answer, could draft a bill in equity, or prepare an answer. The objectionable and costly proceedings of examining witnesses on written interrogations, had been superseded by that of a viva voce examination of the witnesses in open court, in Toronto, or before Masters in the outer Districts in the same manner. Indeed, the very practice of allowing every man to come into court and tell his own story in his own way, is the present practice of this court, so that the very scheme which the profession had considered Utopian, had been about to be realized, when this unfortunate censure had been cast upon it.--The former court was deservedly hateful to the country, but tolerable enough to the profession engaged in its practice. Now it is hateful to the Profession

because its fees are greatly reduced, and yet before the country has had time to experience its improvement and appreciate its usefulness, hon. gentlemen on this side of the House, had joined in the popular cry for abolishing it,--not indeed with this object, but because they could not forget the littleness of party for a moment, even if the best interests of the country and the characters of high minded men were put in jeopardy by it. He (Mr. W.) could tell hon. gentlemen on this side of the House, that they never could command respect, until on great and becoming questions, they could for the sake of great interests overlook the littleness of party consideration, and deal with great questions as leading men ought to deal with them. That was a fitting occasion for those to whose opinion the public looked for guidance, to have overlooked a momentary triumph, and by an expression of their own honest opinions, have led public opinion in the right direction; but they had thrown the opportunity away, and as if the judicial system of country and the characters of men, high in judicial station, were not treasures to be kept sacred, had allowed taunts to pass as true and current, that the Chancellor had created the court for himself with a salary above his deserts, and that the court itself was worthy of reprobation, as in its worst days, when it became them to announce that the office was created at their instance, filled at their desire, at a less emolument than that of his profession, and administered, not with a view to the emolument of the Profession, but for the interests of suitors and the ends of justice. But while voting to abolish the Court, they say, we want equity jurisdiction conferred upon the Courts of Common Law: "cui bono?" If the Courts of Common Law have as much to do as they can dispose of, is it not, but a wise distribution of labor to say, that this cause of action shall be heard in this court, and that cause of action in the other court? You cannot, by legislation, prevent causes of action from arising, which in their nature, are subjects of both jurisdictions, and no one, except indeed the honorable member for Norfolk has had the temerity to propose a total change in all the Courts. While, therefore, the present system of law remains, he now asserted, that law and equity, with the right of appeal, would best be administered in distinct tribunals. The honorable member for Norfolk and others had, on the following day, taunted the honorable members for Lower Canada with voting upon Upper Canada, a measure she did not desire. This was ungenerous as well as unjust. By what rule pray, are they to vote? Are they to exercise their judgment, or sit still and count, if they can, how Upper Canada votes, and then swell the majority by theirs? Or having deliberately heard, with their own ears, within two years, that Upper Canada, independently of party considerations, desired a new organization of her courts, and had obtained it, were they to conjecture that the very men who had so earnestly desired the change, without assigning any reasonable cause, now desired another change, and were they to vote for his motion, for whom and for whose schemes they who taunted them had expressed ill-disguised contempt? But, sir, they did vote, and the country is indebted to them for preserving what those who ought to have guarded it, had for factious reasons thrown away.³⁰⁹ It was, doubtless, difficult, to say, why hon. members on this side of the House voted as they did, and the only reason he could give, was that gentlemen on his side of the House were always ready to give a vote to damage the government at the expense of principle, even though that principle, were Conservatism itself.³¹⁰ Un pareille conduite est indigne.³¹¹ He called on Sir A. Macnab to give an explanation of his vote.³¹² If he (Mr. W.) had been present on the occasion, he would have voted against the motion, for the reasons he had stated. He regretted his absence, and was sorry for the results of that vote. There was no one in that House who did not, either on public grounds, or personal considerations, regret the retirement of the Hon. Atty. Gen. Always at his post, painfully scrupulous

in the discharge of his official duties, fearfully apprehensive, lest the Constitution, or the interests of his native country should suffer at his hands. For her sake he had sacrificed his social relations--his time,--his profession--his health, and jealous lest his conduct should be quoted as a precedent, for holding office against, not a direct but an incidental vote of want of confidence, he retired, as a few had retired, on a vote tainted with faction; he, himself, in a long public life unstained with factious taint.³¹³

SIR A. MACNAB se leva animé³¹⁴. [He] did not intend to say a word except to express the feeling of every member in the House towards the hon. gentleman who had just retired from an important position³¹⁵ [in] the government³¹⁶. But³¹⁷ [he] repelled the attack of Mr. Wilson, and said³¹⁸ it ill became the hon. member for London to lecture the party³¹⁹ qu'il avait trahi et délaissé³²⁰, and that hon. member would find, that so far from his voting in favour of the Court of Chancery, that had he stayed in Canada, instead of going to England, he would have voted against the re-organization of that Court. As to the Chancellor, they doubtless, had said rough things to one another in the House, but since the Chancellor had retired from politics, he (Sir Allan) had never said one word of that gentleman, good or bad. The Chancery Court was a Court which he conceived was distasteful to the country at large, and if the hon. member [sic] for North York had³²¹ stood up and moved an amendment for a committee of inquiry, he would have³²² supported him in that course. He need not answer all the subjects which had been before the House; but this he would say,³²³ and he wanted it to go over the country,³²⁴ that he would never lend his aid to put out the present Ministry, and³²⁵ he would do all he could to prevent a cleargrit party rising through the land, and would support any party to prevent that.³²⁶ Se tournant ensuite vers M. Baldwin, il l'accueillit avec des paroles affectueuses et vives³²⁷. He wished to say, in conclusion, that Mr. Baldwin left office with the warmest sympathies of every member in the house³²⁸. The hon. and gallant Knight ... [expressed] his sincere respect for the hon. gentleman, the late Attorney General for Canada West, who, he said, was as [a] good³²⁹ [and] honorable³³⁰ man, and as loyal a subject as ever drew a sword.³³¹ (Hear, hear.)³³²

MR. ROBINSON alluding to the term demagogue clamour employed by Mr. Baldwin, declared that he had never allowed himself to be influenced by it. He had voted against the Chancery bill when it came up and was passed. For his own part he thought one reason assigned for the maintenance of the Chancery Court was a very bad one. It was said that Mr. Chancellor Blake could earn twice his salary. If that were so it seemed to show that the expenses of the court were monstrous.³³³

MR. AT. GEN. LAFONTAINE said a few words in a tone of voice perfectly inaudible in the gallery.³³⁴ [He] passed an eulogy on his retiring colleague, and announced his own intention of retiring from public life at the close of the session. He explained that Mr. Baldwin would continue to act as Attorney General until his successor was appointed, and we understood him to say that no appointment would be made until after Parliament rose.³³⁵

(123)

Orders called.

On motion of the Honorable Mr. Price, seconded by the Honorable Mr. Baldwin,

Ordered, That the Orders of the day be now called.

Clergy
Reserves.

And the Order of the day being read, for resuming the adjourned Debate upon the Question proposed on Monday the twenty-third instant, That an humble Address be

presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected; 336

The orders of the day being then called, MR. CAYLEY begged that the Clergy Reserves question might be postponed, giving as his reason that after what had taken place with regard to Mr. Baldwin, it would not be consonant with the feelings of the House not [sic] to preceed [sic] with a debate, which he (Mr. Cayley) had intended to turn upon the past conduct of that hon. member. 337

(123)

Ordered, That the said Order of the day be postponed until to-morrow, and be then the first Order of the day.

Bill relating to
the Fisheries in
the Gulf of
St. Lawrence.

The Order of the day for the second reading of the Bill to remove all doubts as to the right of Her Majesty's subjects in Canada carrying on the Fisheries in the Gulf of St. Lawrence to land and occupy, for the necessary purposes thereof, any unoccupied places on the North Shore or Labrador, within the limits of the Province, they may deem suitable thereto, and freely to carry on their Fisheries thereat, being read;

Ordered, That the Bill be read a second time on Monday next.

Division
Line Bill.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time to-morrow.

Penitentiary
Management
Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;

Ordered, That the Bill be read a second time to-morrow.

Bill relating
to Gaols and
Houses of
Correction.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of correction for Juvenile offenders, being read;

Ordered, That the Bill be read a second time to-morrow.

Bill abolishing
Imprisonment
for debt (U.C.).

The Order of the day for the second reading of the Bill for abolishing imprisonment for Debt in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Boulton, the Honorable Mr. Sherwood, the Honorable Mr. Merritt, Mr. Smith of Durham, and Mr. Wil-

(124)

son, to report thereon with all convenient speed.

Bill relating to
Imprisonment
for Debt (U.C.).

The Order of the day for the second reading of the Bill to abolish imprisonment for Debt except in cases of fraud, and to render the remedy by Writs of Execution in Upper Canada more effectual, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill for abolishing imprisonment for Debt in Upper Canada.

Chancery
Decrees and
Orders Bill
(U.C.).

The Order of the day for the second reading of the Bill to confirm Decrees and Orders, and other proceedings of the Court of Chancery of Upper Canada in certain cases, being read;³³⁸

COL. PRINCE moved the second reading of the bill to confirm certain degrees, &c., in the Court of Chancery. He would like to have the opinion of the hon. Attorney General upon it; but as he was not in the House, perhaps the Solicitor General would not object to its second reading on the condition that it should be referred to a Committee of the whole on Wednesday next. He would not hold the House pledged to its principle.³³⁹

After a few words from MR. SOL. GEN. MACDONALD, the motion was carried.³⁴⁰

(124)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Census Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein, being read;

Ordered, That the Bill be read a second time on Thursday next.

Justices of the
Peace (U.C.)
Fees Bill.

The Order of the day for the second reading of the Bill to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of

the Reign of King William the Fourth, chapter seventeen, being read;

Ordered, That the Bill be read a second time on Thursday next.

Navigation Act.

The Order of the day for the House in Committee for the purpose of taking into consideration certain Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada, being read;

Ordered, That the said Order of the day be postponed until Monday next.

Witnesses
Attendance
Bill.

The Order of the day for the second reading of the Bill to authorize and enforce the attendance of Witnesses in civil cases from any part of this Province before the Superior Courts of Jurisdiction, being read;

Mr. Sherwood of Brockville moved, seconded by Mr. Dickson, and the Question being proposed, That the Bill be now read a second time;³⁴¹

MR. G. SHERWOOD moved the second reading of the bill to enforce the attendance of witnesses in civil cases. The hon. member made some remarks in support

of his bill, contending that it was necessary.³⁴²

MR. SOL. GEN. DRUMMOND opposed it, on the ground of its injustice to witnesses.³⁴³

Some remarks [came] from COL. PRINCE and MR. RICHARDS.³⁴⁴

MR. WILSON said the bill should be passed, but thought that instead of 5s. a day, all reasonable expenses should be paid.³⁴⁵

MR. SOL. GEN. DRUMMOND contended that a man should only be compelled to leave his business in those cases when society required his evidence.³⁴⁶

(124)

Mr. Solicitor General Drummond moved in amendment to the Question, seconded by Mr. Chauveau, That the word "now" be left out, and the words "this day six months"³⁴⁷ added at the end thereof;

MR. BADGLEY, MR. SHERWOOD and others, supported the bill.³⁴⁸

MESSRS. SOL. GEN. MACDONALD and CHAUVEAU opposed it.³⁴⁹

(124)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Lacoste, Attorney General LaFontaine, La-Terrière, Laurin, Letellier, Solicitor General Macdonald, Mackenzie, Nelson, Papineau, Price, Richards, Sanborn, Scott of TWO MOUNTAINS, and Taché.--(23.)

NAYS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cartier, Cayley, Christie, Dickson, Holmes, Johnson, Lyon, Malloch, McConnell, McFarland, Meyers, Morrison, Prince, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Stevenson, and Wilson.--(24.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cartier, Cayley, Christie, Dickson, Johnson, Lyon, Sir Allan N. MacNab, Malloch, McConnell, McFarland, Meyers, Morrison, Prince, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Stevenson, and Wilson.--(24.)

NAYS.

Messieurs Chauveau, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Lacoste, Attorney General LaFontaine, La-Terrière, Laurin, Letellier, Solicitor General Macdonald, Mackenzie, Nelson, Papineau, Price, Richards, Sanborn, Scott of TWO MOUNTAINS, and Taché.--(23.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

Bill to authorize
a second Term of
the Superior Court
to be held in the
District of Gaspé.

The Order of the day for the House in Committee on the Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary, being read;

Ordered, That the said Order of the day be postponed until Thursday next.

Printing.

The Order of the day for the House in Committee on the First and Second Reports of the Standing Committee on Printing, being read;

Ordered, That the said Order of the day be postponed until Thursday next.

Bill relating to
Promissory
Notes and Bills
of Exchange.

The Order of the day for the second reading of the Bill to facilitate the negotiation of Promissory Notes and Bills of Exchange, and to relieve the same under certain limitations from the operation of the Usury Laws, being read;

Ordered, That the Bill be read a second time on Thursday next.

Parishes,
Churches, &c.,
Erection Bill
(L.C.).

The Order of the day for the second reading of the Bill to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches, and Church Yards in Lower Canada, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Lakes Superior
and Huron
Canal Bill.

The Order of the day for the second reading of the Bill to provide for the construction of a Canal to connect Lakes Superior and Huron, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill relating to
Summary Convictions.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, being read;

Ordered, That the Bill be read a second time to-morrow.

Bill relating
to Indictable
offences.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to persons charged with indictable offences, being read;

(125)

Ordered, That the Bill be read a second time to-morrow.

Clerk of Assize
(U.C.) Office
Regulation Bill.

The Order of the day for the second reading of the Bill to regulate the Office of Clerks of Assize in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill relating
to Law Expenses
(U.C.).

The Order of the day for the second reading of the Bill to reduce Law expenses, and to establish a Tariff of Fees for the Superior Courts of Law in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill relating
to Commissions
for taking
Evidence.

The Order of the day for the second reading of the Bill to facilitate the issue of Commissions for the examination of Witnesses and the taking of evidence in Suits at Law pending and to be brought in the several Courts of Record in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill to set
apart Lands
for Indians
(L.C.).

The Order of the day for the second reading of the Bill to set apart certain Lands in Lower Canada for the use of the Indians of that part of the Province, being read;

Ordered, That the Bill be read a second time on Friday next.

West Gwillimbury
Old Survey An-
nexation Bill.

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township

of East Gwillimbury in the County of York," being read;

Ordered, That the said Order of the day be postponed until Monday next.

Bill relating
to Brock's
Monument.

The Order of the day for the second reading of the Bill to exempt from personal liability those who may undertake the duty of superintending the erection of Brock's Monument, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill relating
to Arson.

The Order of the day for the second reading of the Bill to extend the provisions of an Act, intituled, "An Act to amend the Criminal Law of this Province relating to the offence of Arson," being read;

Ordered, That the Bill be read a second time on Thursday next.

Two Messages
from His
Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered; and are as follow:--

Ingrossing and
Inrolling Acts.

ELGIN and KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, the accompanying Copy of a Circular Despatch from Her Majesty's Secretary of State, (5th June, 1850,) communicating certain Resolutions agreed to by both Houses of the Imperial Parliament on the subject of ingrossing and inrolling Acts of the Legislature.

Government House,

Toronto, 26th June, 1851.

(Copy)--Circular.

Downing Street,
5th June, 1850.

My Lord,--I enclose for your information, and because the precedent is one which it would appear desirable to follow, Copies of Resolutions (8th February 1849) agreed to by both Houses of Parliament, which have put an end in this Country to the troublesome and expensive practice of ingrossing the Acts of the Legislature.

I have, &c.

(Signed,) GREY.

Right Honorable The Earl of Elgin.
&c. &c. &c.

INGROSSING AND INROLLING OF BILLS.

Thursday, 8th February, 1849.

"Resolved, by the Lords Spiritual and Temporal in Parliament assembled,--

1. *That it is expedient to discontinue the present system of Ingrossing, and alter the present system of Inrolling Bills, and to make such provisions in lieu thereof as are hereinafter mentioned.*
2. *That this House is prepared to agree to the following arrangements, if agreed to by the other House of Parliament."*

I. *That in lieu of being ingrossed, every Bill shall be printed fair immediately after it shall have been passed in the House in which it originated, and that such fair printed Bill shall be sent to the other House, as the Bill so passed, and shall (subject to the regulation next hereinafter mentioned) be dealt with by that House, and its Officers, in the same manner in which ingrossed Bills are now dealt with.*

II. *That on its return to the House in which it originated, without amendments, (or if amended, after the amendments shall have been settled and agreed to,) it shall be fair printed by the Queen's Printer, who shall furnish a fair print thereof on vellum to the House of Lords, before the Royal Assent, and likewise a duplicate of such fair print, also on vellum.*

III. *That one of such fair prints of each Bill shall be duly authenticated by the proper Officers of each House, as the Bill to which both Houses have agreed.*

IV. *That the Royal Assent shall be indorsed in the usual form on such fair print so authenticated, which shall be deposited in the Record Tower, in lieu of the present Ingrossment.*

V. *That the copies promulgated in the first instance by the Queen's Printer, shall be impressions from the same form as the deposited copy.*

VI. *That for the present Session this arrangement shall not apply to Private Bills, nor to Local and Personal Bills, which last mentioned Bills, intended to be brought in this Session, have been, for the most part, already printed, in pursuance of the Standing Orders of the House of Commons.*

VII. *That the Master of the Rolls shall, upon being duly authorized in that behalf, receive in lieu of the Copies of Public General Acts as now inrolled, the hereinbefore mentioned duplicate fair Print of each Public General Bill, to be held for the same purposes, and subject to the same conditions for and upon which the Inrolled Acts are now received and held by him.*

VIII. *That it is expedient, with a view to economy, convenience, and dispatch, and to the diminution of the chance of errors, that one Printer should print the Public General Bills for both Houses; and that inasmuch as the Queen's Printer is, by virtue of his Office, bound to print the Acts, it would be advisable for the attainment of the before mentioned objects, that the Queen's Printer should be employed by both Houses to print the Public General Bills.*

(126)

Light Houses.

ELGIN and KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, Copies of a Communication from the Government of Prince Edward Island, and a Report of a Committee and Address of the House of Assembly of that Province, on the subject of erecting Light Houses on the North Cape and East Point of Prince Edward Island.

Government House,

Toronto, 26th June, 1851.

(Copy.)

Secretary's Office,
Charlotte Town, P.E. Island,
June 2nd, 1851.

Sir,--I am commanded by His Excellency the Lieutenant Governor to transmit for the information of the Government of Canada, Copy of a Report of a Committee of the House of Assembly of Prince Edward Island on the expediency of erecting Light Houses at the North Cape and East Point of this Island, together with an Address to His Excellency on the same subject.

I have, &c.,
(Signed,) JAMES WARBURTON,
Colonial Secretary.

The Honorable James Leslie,
Provincial Secretary,
Canada.

In the House of Assembly,
12th May, 1851.

Your Committee to whom was referred the Petition of certain Inhabitants of George Town and vicinity, praying aid towards erecting a Light House at the Port of Three Rivers, and who were instructed to report upon the subject of Light Houses to be erected where most useful on any part or parts of this Island, and to afford such other information relating thereto as Your Committee might deem necessary, have to report:--

That Your Committee are of opinion, that as the Revenue now derived from Light Duty at the Port of Three Rivers would be sufficient to maintain a Light at that place, in addition to a small annual tax that might be equitably imposed upon the Owners or Masters of American Vessels prosecuting the Fisheries on the Coast of this Island, and regularly seeking shelter within the Harbour of Three Rivers, a sum of money sufficient to erect a Light House at the most suitable point near the entrance of that Port, and provide it with the necessary Lamps, should be set apart during the next Session of the Legislature. Your Committee think that such sum of money should not exceed two hundred pounds, and they recommend previously to the assembling of the Legislature in their next Session, that the Executive Government should be required to procure the requisite plans and estimates for such an erection.

That Your Committee are likewise of opinion that it is essential to the preservation of life and property, and to the general well-being of the Mercantile Community, to make the necessary provision for the erection of Light Houses at the North Cape and East Point of this Island, but that the Shipping interests of the North American Colonies, of the United States, and even of Great Britain, would be benefitted to fully as great if not a greater extent by the erection of Light Houses at the places before mentioned.

Your Committee recommend that application be made through His Excellency the Lieutenant Governor of this Colony, to the respective Governments of the countries referred to, to solicit from them proportionate contributions towards the building and maintaining of Light Houses to be erected at the North Cape and East Point; and that should these Governments accede to the application, then Your Committee recommend that the Government should be requested to take proceedings for the erection of such Light Houses, and that this House should make good any expense attending the same.

That Your Committee are further of opinion that the Executive Government should be at the same time requested to procure for the House of Assembly the necessary information as to the cost per acre of the sites that may be required for the Light Houses recommended to be erected, such sites to include a right of way to and from every Light House.

That Your Committee recommend that the Law now in force regulating the collection of Light Duties for the support of Point Prim Light House be amended, with the view of rendering it compulsory upon Foreign Vessels to pay Light Dues on entering any port within this Island, whether entered at the Custom House or not; and likewise providing that the Owners or Masters of the smaller class of Coasting Vessels shall be subject to pay a duty of six pence per ton for the season.

Certified,

JOHN McNEILL,
Clerk Assembly.

To His Excellency Sir Alexander Bannerman, Knight, Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice-Admiral and Ordinary of the same, &c. &c. &c.

May it please Your Excellency,

A Special Committee having been appointed by the House of Assembly to report upon the subject of erecting new and additional Light Houses on this Island, and having presented their Report to the Assembly, a Copy of which is herewith furnished to Your Excellency, the House of Assembly respectfully request that Your Excellency will endeavour to procure, during the approaching recess of the Colonial Legislature, the requisite Plans and Estimates of the cost of erecting a Light House upon Broughton Point, or some other convenient site near the entrance of the Harbour of Three Rivers, as suggested in the Report of the Special Committee.

The House of Assembly likewise request that Your Excellency's Government will enter into communication with the several Governments of Canada, New Brunswick, Nova Scotia, and Newfoundland, and with the Imperial Government, both as respects themselves and the United States, with the view of ascertaining what proportion they will contribute to the expense of establishing Light Houses at the North Cape and East Point of this Island, as such establishments as those places would be of greater utility to the Shipping interests of the Countries referred to than to the similar interests of this Colony.

(Signed,) ALEXANDER RAE,
Speaker.

House of Assembly,
May 12th, 1851.

Court of Probate
and Surrogate
Court Bill (U.C.).

The Order of the day for the second reading of the Bill to regulate the proceedings and jurisdiction of the Court of Probate and Surrogate Court in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Committee on the Bill for the better administration of the Estates of Deceased Persons.

Medical Pro-
fession (L.C.).
Bill.

The Order of the day for the second reading of the Bill to amend the "Act incorporating the Members

(127)

of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the same Act became Law, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Intestates
Estates Bill.

The Order of the day for the second reading of the Bill to regulate the distribution of the personal estates of Intestates in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bill to render
certain Effects
liable to seizure
in Upper Canada.

The Order of the day for the second reading of the Bill to render certain effects liable to seizure under execution against Goods and Chattels in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Water-power
Bill (U.C.).

The Order of the Day for the second reading of the Bill to encourage and protect the creation of water-power for manufacturing purposes in Upper Canada, being

read;

Ordered, That the Bill be read a second time on Thursday next.

Sydenham Moun-
tain Road Act
Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill relating to
Trial by Jury,
(U.C.).

The Order of the day for the second reading of the Bill to dispense with Trial by Jury in certain cases in Upper Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

Bankrupts
Relief Bill.

The Order of the day for the second reading of the Bill to provide for the relief of Bankrupts and the administration of their Estates, being read;

Ordered, That the Bill be read a second time on Monday the fourteenth of July next.

Bill relating
to Rectories.

The Order of the day for the second reading of the Bill to repeal so much of the Imperial Act 31 Geo. 3, cap. 31, as relates to Rectories, and the presentation

of Incumbents to the same, being read;

Ordered, That the Bill be read a second time on Thursday next.

Toronto
University
Bill.

The Order of the day for the second reading of the Bill to amend the Charter of the University of Toronto, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill relating
to Notaries.

The Order of the day for the second reading of the Bill to amend a certain Act passed in the twelfth year of Her Majesty's Reign, relating to Notaries, being read;

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time on Wednesday next.

Port Hope
Harbour and
Wharf Company
Bill.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Port Hope Harbour and Wharf Company, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill relating to
Land Patents.

The Order of the day for the second reading of the Bill relating to Land Patents whereby any waste or other Lands of the Crown in Lower Canada are granted, and to dispense with certain formalities therewith connected occasioning unnecessary delay and expense, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Port Burwell
Harbour Com-
pany Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Port Burwell Harbour Company, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill to enable
C.R. Wilkes to
convey certain
Real Estate.

The Order of the day for the second reading of the Bill to enable Caira Robbins Wilkes, the wife of George Samuel Wilkes, of Brantford, Esquire, to convey by herself certain Real Estate devised to her by her late father, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Bill to amend
and consolidate
the Criminal Law.

The Order of the day for the second reading of the Bill to amend and consolidate the Criminal Laws of this Province, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Badgley, Mr. Solicitor General Drummond, Mr. Solicitor General Macdonald, the Honorable Mr. Macdonald, the Honorable Mr. Cameron of Cornwall, Mr. Smith of Durham, the Honorable Mr. Chabot, Mr. Richards, and Mr. Ross, to report thereon with all convenient speed.

Code of
Criminal Pro-
cedure Bill.

The Order of the day for the second reading of the Bill to establish a Code of Criminal Procedure in this Province, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend and consolidate the Criminal Laws of this Province.

Physic and
Surgery Bill
(U.C.).

The Order of the day for the second reading of the Bill to amend the Law of Upper Canada relative to the practice of Physic and Surgery, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Registrars'
Fees Bill.

The Order of the day for the second reading of the Bill to reduce and regulate the Fees of Registrars in Upper Canada, being read;

MR. J. SMITH of Durham moved the second reading of the bill to regulate the fees of registrars.³⁵⁰

MR. SOL. GEN. MCADONALD objected to the bill as reducing the fees too low.³⁵¹

MR. MACKENZIE supported the bill. It had been said that the bill would reduce the fees by one half; if that were the case they were over paid at the present, for the rates proposed were amply sufficient. In the return before the House, the registrar of the County of York appeared as receiving £405 a year. Did any body believe that was a correct return?³⁵²

MR. INSP. GEN. HINCKS said Mr. Jas. Durand had formerly been as great an advocate of retrenchment as the member for Haldimand; he is now Registrar of the county of Lennox and Addington; and he had written in reference to this bill, stating that Registrars were a very ill paid class. Mr. Durand was a very conscientious man, and he (Mr. H.) placed a good deal of reliance on his statement.³⁵³

MR. BOULTON took up the blue book, and said he did not believe that a single return relating to the Registrars was correct. He wished the bill referred to a committee, and to have them enquire into the truth of the returns. He believed the registrars were over paid.³⁵⁴

MR. COM. CR. LANDS PRICE said it was perfectly absurd to say that the county of York yielded only £405. The amount set down there must be the profit of the office.³⁵⁵

MR. W. BOULTON said the return with reference to the county of York was not a full return, although it was in the hands of the government; it was about £1,600; the amount in the blue book he believed was only the nett profit of the office.³⁵⁶

MR. J. SMITH, of Durham, then moved that the bill be referred to a select committee.--Carried.³⁵⁷

(127)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Smith of Durham, Mr. Wilson, Mr. Mackenzie, Mr. Flint, and Mr. Richards, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

*Then, on motion of Mr. Scott of Two Mountains, seconded by Mr. Taché,
The House adjourned.*

APPENDIX: 30 JUNE 1851.

[NOTICE OF MOTION RE: BILL TO PREVENT ERECTION OF TOLL BARS.]³⁵⁸

MR. W. BOULTON gave notice of a motion of a bill to prevent the erection of toll bars in places where they may obstruct the passages of the inhabitants of towns and cities from one part of such towns or cities to another.³⁵⁹

FOOTNOTES: 30 JUNE 1851.

1. The following papers reported the discussion on Mr. Baldwin's resignation in identical accounts: MONTREAL GAZETTE, 1 July 1851, MORNING CHRONICLE, 1 July 1851, BRITISH WHIG, 1 July 1851, OTTAWA CITIZEN, 5 July 1851, JOURNAL DE QUEBEC, 1 July 1851; MONTREAL GAZETTE, 2 July 1851, MORNING CHRONICLE, 2 July 1851, BRITISH WHIG, 2 July 1851, MONTREAL TRANSCRIPT, 3 July 1851, PILOT, 3 July 1851, OTTAWA CITIZEN, 5 July 1851, LA MINERVE, 2 July 1851, and JOURNAL DE QUEBEC, 3 July 1851. The following papers reported the discussion on this matter in partially identical accounts: BRITISH COLONIST, 1 July 1851, GLOBE, 1, 3 July 1851, NORTH AMERICAN, 4 July 1851, MONTREAL GAZETTE, 4 July 1851, PILOT, 5 July 1851, MORNING CHRONICLE, 5 July 1851, BATHURST COURIER, 8 July 1851, which copied from GLOBE, and LA MINERVE, 5, 8 July 1851. The discussion was also noted by: EXAMINER, 12 July 1851; OTTAWA CITIZEN, 12 July 1851; L'AVENIR, 2 July 1851; and JOURNAL DE QUEBEC, 8, 10 July 1851. Commentaries appeared in: BRITISH COLONIST, 1 July 1851; PILOT, 10 July 1851; OTTAWA CITIZEN, 12 July 1851; and LA MINERVE, 5 July 1851.
2. GLOBE, 1 July 1851.
3. EXAMINER, 2 July 1851.
4. GLOBE, 1 July 1851.
5. BRITISH COLONIST, 1 July 1851.
6. GLOBE, 1 July 1851.
7. BRITISH COLONIST, 1 July 1851.
8. GLOBE, 1 July 1851.
9. BRITISH COLONIST, 1 July 1851.
10. GLOBE, 1 July 1851.
11. BRITISH COLONIST, 1 July 1851.
12. GLOBE, 1 July 1851.
13. BRITISH COLONIST, 1 July 1851. The following papers mistakenly reported that the vote in question had taken place on the previous Friday: GLOBE, 1 July 1851, MONTREAL GAZETTE, 4 July 1851, PILOT, 5 July 1851, and BRITISH COLONIST, 8 July 1851.
14. GLOBE, 1 July 1851.
15. BRITISH COLONIST, 1 July 1851.
16. GLOBE, 1 July 1851.
17. EXAMINER, 2 July 1851.
18. GLOBE, 1 July 1851.
19. BRITISH COLONIST, 1 July 1851.
20. GLOBE, 1 July 1851.
21. BRITISH COLONIST, 1 July 1851.
22. EXAMINER, 2 July 1851.
23. BRITISH COLONIST, 1 July 1851.
24. EXAMINER, 2 July 1851.
25. GLOBE, 1 July 1851.
26. EXAMINER, 2 July 1851.
27. OTTAWA CITIZEN, 12 July 1851.
28. GLOBE, 1 July 1851.
29. BRITISH COLONIST, 1 July 1851.
30. EXAMINER, 2 July 1851.
31. GLOBE, 1 July 1851.
32. BRITISH COLONIST, 1 July 1851.
33. GLOBE, 1 July 1851.
34. BRITISH COLONIST, 1 July 1851.
35. EXAMINER, 2 July 1851.

36. GLOBE, 1 July 1851.
37. BRITISH COLONIST, 1 July 1851.
38. GLOBE, 1 July 1851.
39. BRITISH COLONIST, 1 July 1851.
40. GLOBE, 1 July 1851.
41. EXAMINER, 2 July 1851.
42. GLOBE, 1 July 1851.
43. BRITISH COLONIST, 1 July 1851.
44. GLOBE, 1 July 1851.
45. BRITISH COLONIST, 1 July 1851.
46. GLOBE, 1 July 1851.
47. BRITISH COLONIST, 1 July 1851.
48. GLOBE, 1 July 1851.
49. BRITISH COLONIST, 1 July 1851.
50. GLOBE, 1 July 1851.
51. EXAMINER, 2 July 1851.
52. GLOBE, 1 July 1851.
53. BRITISH COLONIST, 1 July 1851.
54. GLOBE, 1 July 1851.
55. BRITISH COLONIST, 1 July 1851.
56. GLOBE, 1 July 1851.
57. EXAMINER, 2 July 1851.
58. GLOBE, 1 July 1851.
59. BRITISH COLONIST, 1 July 1851.
60. EXAMINER, 2 July 1851.
61. GLOBE, 1 July 1851.
62. EXAMINER, 2 July 1851.
63. GLOBE, 1 July 1851.
64. BRITISH COLONIST, 1 July 1851.
65. GLOBE, 1 July 1851.
66. BRITISH COLONIST, 1 July 1851.
67. GLOBE, 1 July 1851.
68. BRITISH COLONIST, 1 July 1851.
69. GLOBE, 1 July 1851.
70. BRITISH COLONIST, 1 July 1851.
71. EXAMINER, 2 July 1851.
72. BRITISH COLONIST, 1 July 1851.
73. GLOBE, 1 July 1851.
74. EXAMINER, 2 July 1851.
75. GLOBE, 1 July 1851.
76. EXAMINER, 2 July 1851.
77. BRITISH COLONIST, 1 July 1851.
78. EXAMINER, 2 July 1851.
79. BRITISH COLONIST, 1 July 1851.
80. EXAMINER, 2 July 1851.
81. GLOBE, 1 July 1851.
82. BRITISH COLONIST, 1 July 1851.
83. GLOBE, 1 July 1851.
84. BRITISH COLONIST, 1 July 1851.
85. GLOBE, 1 July 1851.
86. EXAMINER, 2 July 1851.
87. GLOBE, 1 July 1851.
88. EXAMINER, 2 July 1851.
89. GLOBE, 1 July 1851.
90. BRITISH COLONIST, 1 July 1851.
91. GLOBE, 1 July 1851.

92. EXAMINER, 2 July 1851.
93. GLOBE, 1 July 1851.
94. EXAMINER, 2 July 1851.
95. GLOBE, 1 July 1851.
96. EXAMINER, 2 July 1851.
97. GLOBE, 1 July 1851.
98. BRITISH COLONIST, 1 July 1851.
99. GLOBE, 1 July 1851.
100. BRITISH COLONIST, 1 July 1851.
101. GLOBE, 1 July 1851.
102. EXAMINER, 2 July 1851.
103. GLOBE, 1 July 1851.
104. EXAMINER, 2 July 1851.
105. GLOBE, 1 July 1851.
106. EXAMINER, 2 July 1851.
107. GLOBE, 1 July 1851.
108. EXAMINER, 2 July 1851.
109. GLOBE, 1 July 1851.
110. EXAMINER, 2 July 1851.
111. GLOBE, 1 July 1851.
112. BRITISH COLONIST, 1 July 1851.
113. GLOBE, 1 July 1851.
114. BRITISH COLONIST, 1 July 1851.
115. GLOBE, 1 July 1851.
116. BRITISH COLONIST, 1 July 1851.
117. GLOBE, 1 July 1851.
118. BRITISH COLONIST, 1 July 1851.
119. GLOBE, 1 July 1851.
120. BRITISH COLONIST, 1 July 1851.
121. GLOBE, 1 July 1851.
122. BRITISH COLONIST, 1 July 1851.
123. GLOBE, 1 July 1851.
124. BRITISH COLONIST, 1 July 1851.
125. GLOBE, 1 July 1851.
126. BRITISH COLONIST, 1 July 1851.
127. GLOBE, 1 July 1851.
128. BRITISH COLONIST, 1 July 1851.
129. GLOBE, 1 July 1851.
130. BRITISH COLONIST, 1 July 1851.
131. GLOBE, 1 July 1851.
132. BRITISH COLONIST, 1 July 1851.
133. GLOBE, 1 July 1851.
134. BRITISH COLONIST, 1 July 1851.
135. GLOBE, 1 July 1851.
136. BRITISH COLONIST, 1 July 1851.
137. GLOBE, 1 July 1851.
138. BRITISH COLONIST, 1 July 1851.
139. GLOBE, 1 July 1851.
140. BRITISH COLONIST, 1 July 1851.
141. EXAMINER, 2 July 1851.
142. BRITISH COLONIST, 1 July 1851.
143. GLOBE, 1 July 1851.
144. BRITISH COLONIST, 1 July 1851.
145. GLOBE, 1 July 1851.
146. BRITISH COLONIST, 1 July 1851.

147. GLOBE, 1 July 1851.
148. BRITISH COLONIST, 1 July 1851.
149. GLOBE, 1 July 1851.
150. BRITISH COLONIST, 1 July 1851.
151. GLOBE, 1 July 1851.
152. BRITISH COLONIST, 1 July 1851.
153. GLOBE, 1 July 1851.
154. BRITISH COLONIST, 1 July 1851.
155. GLOBE, 1 July 1851.
156. BRITISH COLONIST, 1 July 1851.
157. GLOBE, 1 July 1851.
158. BRITISH COLONIST, 1 July 1851.
159. GLOBE, 1 July 1851.
160. MONTREAL GAZETTE, 1 July 1851.
161. GLOBE, 1 July 1851.
162. EXAMINER, 2 July 1851.
163. BRITISH COLONIST, 1 July 1851.
164. EXAMINER, 2 July 1851.
165. GLOBE, 3 July 1851.
166. BRITISH COLONIST, 1 July 1851.
167. EXAMINER, 2 July 1851.
168. GLOBE, 3 July 1851.
169. EXAMINER, 2 July 1851.
170. BRITISH COLONIST, 1 July 1851.
171. EXAMINER, 2 July 1851.
172. BRITISH COLONIST, 1 July 1851.
173. EXAMINER, 2 July 1851.
174. BRITISH COLONIST, 1 July 1851.
175. EXAMINER, 2 July 1851.
176. BRITISH COLONIST, 1 July 1851.
177. GLOBE, 3 July 1851. Ellipsis represents illegible words.
178. EXAMINER, 2 July 1851.
179. GLOBE, 3 July 1851. Ellipsis represents illegible words.
180. BRITISH COLONIST, 1 July 1851.
181. GLOBE, 3 July 1851.
182. EXAMINER, 2 July 1851.
183. MONTREAL GAZETTE, 2 July 1851.
184. IBID.
185. GLOBE, 3 July 1851.
186. EXAMINER, 2 July 1851.
187. GLOBE, 3 July 1851.
188. BRITISH COLONIST, 1 July 1851.
189. GLOBE, 3 July 1851.
190. BRITISH COLONIST, 1 July 1851.
191. GLOBE, 3 July 1851.
192. BRITISH COLONIST, 1 July 1851.
193. GLOBE, 3 July 1851.
194. BRITISH COLONIST, 1 July 1851.
195. GLOBE, 3 July 1851.
196. MORNING CHRONICLE, 5 July 1851.
197. GLOBE, 3 July 1851.
198. MORNING CHRONICLE, 5 July 1851.
199. GLOBE, 3 July 1851.
200. MORNING CHRONICLE, 5 July 1851.
201. GLOBE, 3 July 1851.
202. MORNING CHRONICLE, 5 July 1851.

- 203. EXAMINER, 2 July 1851.
- 204. GLOBE, 3 July 1851.
- 205. MORNING CHRONICLE, 5 July 1851.
- 206. GLOBE, 3 July 1851.
- 207. MORNING CHRONICLE, 5 July 1851.
- 208. GLOBE, 3 July 1851.
- 209. MORNING CHRONICLE, 5 July 1851.
- 210. GLOBE, 3 July 1851.
- 211. MORNING CHRONICLE, 5 July 1851.
- 212. GLOBE, 3 July 1851.
- 213. MORNING CHRONICLE, 5 July 1851.
- 214. GLOBE, 3 July 1851.
- 215. MORNING CHRONICLE, 5 July 1851.
- 216. GLOBE, 3 July 1851.
- 217. MORNING CHRONICLE, 5 July 1851.
- 218. GLOBE, 3 July 1851.
- 219. MORNING CHRONICLE, 5 July 1851.
- 220. GLOBE, 3 July 1851.
- 221. MORNING CHRONICLE, 5 July 1851.
- 222. GLOBE, 3 July 1851.
- 223. MORNING CHRONICLE, 5 July 1851.
- 224. GLOBE, 3 July 1851.
- 225. MORNING CHRONICLE, 5 July 1851.
- 226. GLOBE, 3 July 1851.
- 227. MORNING CHRONICLE, 5 July 1851.
- 228. GLOBE, 3 July 1851.
- 229. MORNING CHRONICLE, 5 July 1851.
- 230. GLOBE, 3 July 1851.
- 231. MORNING CHRONICLE, 5 July 1851.
- 232. GLOBE, 3 July 1851.
- 233. MORNING CHRONICLE, 5 July 1851.
- 234. GLOBE, 3 July 1851.
- 235. MORNING CHRONICLE, 5 July 1851.
- 236. GLOBE, 3 July 1851.
- 237. MORNING CHRONICLE, 5 July 1851.
- 238. GLOBE, 3 July 1851.
- 239. MORNING CHRONICLE, 5 July 1851.
- 240. GLOBE, 3 July 1851.
- 241. MORNING CHRONICLE, 5 July 1851.
- 242. GLOBE, 3 July 1851.
- 243. MORNING CHRONICLE, 5 July 1851.
- 244. GLOBE, 3 July 1851.
- 245. MORNING CHRONICLE, 5 July 1851.
- 246. GLOBE, 3 July 1851.
- 247. MORNING CHRONICLE, 5 July 1851.
- 248. GLOBE, 3 July 1851.
- 249. MORNING CHRONICLE, 5 July 1851.
- 250. IBID.
- 251. GLOBE, 3 July 1851.
- 252. MORNING CHRONICLE, 5 July 1851.
- 253. GLOBE, 3 July 1851.
- 254. MORNING CHRONICLE, 5 July 1851.
- 255. GLOBE, 3 July 1851.
- 256. MORNING CHRONICLE, 5 July 1851.
- 257. GLOBE, 3 July 1851.

- 258. MORNING CHRONICLE, 5 July 1851.
- 259. GLOBE, 3 July 1851.
- 260. MORNING CHRONICLE, 5 July 1851.
- 261. GLOBE, 3 July 1851.
- 262. MORNING CHRONICLE, 5 July 1851.
- 263. GLOBE, 3 July 1851.
- 264. MORNING CHRONICLE, 5 July 1851.
- 265. GLOBE, 3 July 1851.
- 266. MORNING CHRONICLE, 5 July 1851.
- 267. EXAMINER, 2 July 1851.
- 268. MORNING CHRONICLE, 5 July 1851.
- 269. EXAMINER, 2 July 1851.
- 270. GLOBE, 3 July 1851.
- 271. MORNING CHRONICLE, 5 July 1851.
- 272. GLOBE, 3 July 1851.
- 273. MORNING CHRONICLE, 5 July 1851.
- 274. GLOBE, 3 July 1851.
- 275. MORNING CHRONICLE, 5 July 1851.
- 276. GLOBE, 3 July 1851.
- 277. MORNING CHRONICLE, 5 July 1851.
- 278. GLOBE, 3 July 1851.
- 279. EXAMINER, 2 July 1851.
- 280. GLOBE, 3 July 1851.
- 281. MORNING CHRONICLE, 5 July 1851.
- 282. EXAMINER, 2 July 1851.
- 283. GLOBE, 3 July 1851.
- 284. EXAMINER, 2 July 1851.
- 285. GLOBE, 3 July 1851.
- 286. MORNING CHRONICLE, 5 July 1851.
- 287. GLOBE, 3 July 1851.
- 288. EXAMINER, 2 July 1851.
- 289. GLOBE, 3 July 1851.
- 290. IBID.
- 291. MORNING CHRONICLE, 5 July 1851.
- 292. GLOBE, 3 July 1851.
- 293. JOURNAL DE QUEBEC, 10 July 1851.
- 294. MORNING CHRONICLE, 5 July 1851.
- 295. GLOBE, 3 July 1851.
- 296. MORNING CHRONICLE, 5 July 1851.
- 297. GLOBE, 3 July 1851.
- 298. MORNING CHRONICLE, 5 July 1851.
- 299. GLOBE, 3 July 1851.
- 300. MORNING CHRONICLE, 5 July 1851.
- 301. GLOBE, 3 July 1851.
- 302. MORNING CHRONICLE, 5 July 1851.
- 303. JOURNAL DE QUEBEC, 10 July 1851.
- 304. MORNING CHRONICLE, 5 July 1851.
- 305. JOURNAL DE QUEBEC, 10 July 1851.
- 306. MORNING CHRONICLE, 5 July 1851.
- 307. GLOBE, 3 July 1851.
- 308. MORNING CHRONICLE, 5 July 1851.
- 309. GLOBE, 3 July 1851.
- 310. MORNING CHRONICLE, 5 July 1851.
- 311. JOURNAL DE QUEBEC, 10 July 1851.
- 312. MORNING CHRONICLE, 5 July 1851.

313. GLOBE, 3 July 1851.
314. JOURNAL DE QUEBEC, 10 July 1851.
315. MORNING CHRONICLE, 5 July 1851.
316. GLOBE, 3 July 1851.
317. MORNING CHRONICLE, 5 July 1851.
318. GLOBE, 3 July 1851.
319. MORNING CHRONICLE, 5 July 1851.
320. JOURNAL DE QUEBEC, 10 July 1851.
321. MORNING CHRONICLE, 5 July 1851.
322. GLOBE, 3 July 1851.
323. MORNING CHRONICLE, 5 July 1851.
324. GLOBE, 3 July 1851.
325. MORNING CHRONICLE, 5 July 1851.
326. GLOBE, 3 July 1851.
327. JOURNAL DE QUEBEC, 10 July 1851.
328. GLOBE, 3 July 1851.
329. MORNING CHRONICLE, 5 July 1851.
330. GLOBE, 3 July 1851.
331. MORNING CHRONICLE, 5 July 1851.
332. GLOBE, 3 July 1851.
333. BRITISH COLONIST, 1 July 1851.
334. IBID.
335. MONTREAL GAZETTE, 4 July 1851. LA MINERVE, 5 July 1851, commented in reference to Mr. Lafontaine's intention of retiring: "Il est à espérer que les rapporteurs ont mal interprété M. Lafontaine...."
336. The following papers reported Mr. Cayley's request in identical accounts: BRITISH COLONIST, 1 July 1851, NORTH AMERICAN, 4 July 1851, and MORNING CHRONICLE, 5 July 1851.
337. BRITISH COLONIST, 1 July 1851.
338. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 1 July 1851, and NORTH AMERICAN, 4 July 1851.
339. BRITISH COLONIST, 1 July 1851.
340. IBID.
341. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 1 July 1851, EXAMINER, 2 July 1851, and NORTH AMERICAN, 4 July 1851. The debate was also reported by OTTAWA CITIZEN, 12 July 1851.
342. BRITISH COLONIST, 1 July 1851.
343. IBID.
344. IBID.
345. IBID.
346. IBID.
347. BRITISH COLONIST, 1 July 1851, EXAMINER, 2 July 1851, and NORTH AMERICAN, 4 July 1851, reported that Mr. Drummond moved that the second reading of the bill be postponed "this day three months."
348. BRITISH COLONIST, 1 July 1851.
349. IBID.
350. EXAMINER, 2 July 1851.
351. IBID.
352. IBID.
353. IBID.
354. IBID.
355. IBID.
356. IBID.
357. IBID.

358. The following papers reported this notice of motion in identical accounts: BRITISH COLONIST, 1 July 1851, NORTH AMERICAN, 4 July 1851, and MORNING CHRONICLE, 5 July 1851.
359. BRITISH COLONIST, 1 July 1851.

TUESDAY, 1 JULY 1851.

(128)

St. Lawrence
Inland Marine
Assurance
Company.

MR. Speaker laid before the House, a statement of the Affairs of the St. Lawrence Inland Marine Assurance Company, for the year 1850.

Appendix (I.)

For the said Statement, see Appendix (I.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Armstrong,--The Petition of Joseph Beausoleil and others, of the Parish of St. Félix de Valois, County of Berthier.

By Mr. Stevenson,--The Petition of James Carpenter and others, of the Village and vicinity of Demorestville, County of Prince Edward.

By Mr. Lemieux,--The Petition of F.X. Ponsant, Esquire, and others, Censitaires, of the Parish of St. François d'Assise, County of Dorchester.

By the Honorable Mr. Price,--The Petition of Francis M. Hill, Esquire, Mayor, and others, of the City of Kingston; and the Petition of W. Eston, Esquire, Captain, Royal Artillery, on behalf of a public meeting of the Inhabitants of the City of Kingston.

By the Honorable Mr. Baldwin,--The Petition of Eli Gorham and others, of Upper Canada; and the Petition of Thomas Mossington, Esquire, and others, of the Township of Georgina, County of York.

By Mr. McFarland,--The Petition of the Municipality of the Township of Wainfleet; and the Petition of the Municipality of the Township of Crowland.

By Mr. Sanborn,--The Petition of James R. Laing, Landowner in the Township of Melbourne, Lower Canada.

By Mr. Holmes,--The Petition of the Honorable Peter McGill and others, of the City of Montreal; and the Petition of the Reverend Robert McGill, Chairman, and others, the Protestant Board of School Commissioners of the City of Montreal.

Petitions
referred.

Ordered, That the Petition of the Bar of Lower Canada, Section of the District of Montreal, be referred to the Select Committee to which was referred the Petition of the Bar of Lower Canada, Section of the District of Quebec.

Ordered, That the Petition of Jason C. Pierce and others, of the Counties of Rouville and Chambly; and the Petition of E.B. Franchère and others, of the Counties of Rouville and Chambly, be referred to the Standing Committee on Railroads and Telegraph Lines.

Private Bills.

Resolved, That the time for receiving Private or Local Bills be extended until Tuesday the fifteenth instant.

Resolved, That the time for receiving Reports of Standing or Select Committees on Private or Local Bills be extended until Friday the twenty-fifth instant.

On motion of the Honorable Mr. Merritt, seconded by Mr. McFarland,

Grand River
Navigation Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Grand River Navigation Company to raise by way of loan, a certain sum of money, and for other purposes therein mentioned," be read a second time to-morrow.

On motion of the Honorable Mr. Price, seconded by the Honorable Mr. Viger,
Orders called. Ordered, That the Orders of the day be now called.

Clergy
Reserves.

And the Order of the day being read, for resuming the adjourned Debate upon the Question proposed on Monday the twenty-third of June last, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it hath afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

And the Question being again proposed:--The House resumed the said adjourned Debate.

The Honorable Mr. Cayley moved in amendment to the Question, seconded by Sir Allan N. MacNab, That all the words after "That" to the end of the Question be left out, in order to add the words "it is inexpedient to disturb or unsettle, by Resolution or Enactment, the appropriations or endowments now existing in Upper and Lower Canada for Religious purposes: That the well-being of society, and the growing wants of the various Christian Bodies in Canada, demand that the several provisions of the Imperial Act 3 & 4 Vic. cap. 78, should be carried out to their fullest extent: That by the said Act, one-half of the interest arising from all Clergy Reserve Sales made under the provisions of the said Act, was placed at the disposal of the Governor of Canada, with the advice of the Executive Council, for the purposes of Public Worship and Religious Instruction: That the amount now at the disposal of the Government exceeds Ten thousand pounds, and is rapidly accumulating: That the annual Sales of Reserves are large; and, adopting the estimate of the Chief Commissioner of Crown Lands, will ultimately yield a Revenue, at the disposal of the Government, exceeding Fifty thousand pounds per annum: That it is expedient that the Fund in hand, and the future Revenues placed by the said Act at the disposal of the Government, should be apportioned among the Roman Catholic, Free Church of Scotland, Presbyterian, Methodist, Baptist, Lutheran, and other Christian Bodies heretofore unprovided for, and who will receive the same; such apportionment to be definitively made according to the next Census to be taken, meanwhile according to the last Population Return" instead thereof;¹

MR. CAYLEY, having stated his reason for requesting a postponement of the debate on the previous day, in consequence of the Parliamentary explanations made by Mr. Baldwin, proceeded to observe that after the full discussion the subject of the Reserves had undergone on a former evening, he should have contented himself with simply moving the amendment which he held in his hand, had it not been for the very singular position assumed by the Attorney General West, and the Hon. Commissioner of Crown Lands, on the present occasion, in direct contradiction to the opinions which they had expressed on this subject in 1846. His hon. friend Mr. Robinson had very naturally called upon the Attorney General for some explanation of his altered views, and to state to the House the grounds which had induced the hon. member to revive that very agitation which he had strongly deprecated and condemned in 1846. The appeal which the hon. Attorney General West had made on that occasion to the House, not to revive agitation, was so cogent, and found to be so satisfactory at the time by the hon. and learned member's usual supporters, that he would venture, at the risk of being thought wearisome, to press them again upon the consideration of the House. The Mirror

of Parliament reported Mr. Baldwin to have said that, "he regretted the revival of the subject on account of the Church whose name was associated with it, he regretted it on account of the province at large; but more especially that part of it which had suffered so much from former agitation, and which on account of its more extended connection with the subject, was more susceptible of injurious excitement. The origin of the question had been fully gone into by the speakers who preceded him, and it was highly necessary that the fullest details should be given in order that the members on his (Mr. Baldwin's) side of the House, might see the deep-seated necessity which existed, of not, from any cause, being induced to touch by their votes the act which disposed of the old and vexed question of the Clergy Reserves." Again "he (Mr. Baldwin) called upon honorable members to mark his words, that if the question were re-opened former fierce agitation would be resumed and might end in the total discomfiture of the Church; he would again warn them to that effect. So much did he (Mr. Baldwin) dread the revival of agitation that he had in every instance and in toto discountenanced such a course, and he could appeal to his hon. friend beside him, Mr. Price, (now the agitator) to say if such were not the fact." These were the opinions strongly and solemnly expressed in 1849 by the hon'ble Attorney General West, and when on the previous evening, his hon. friend, Mr. Robinson, had asked the Attorney General if these were still his opinions, if he still anticipated the utter discomfiture of the Church, the hon. Attorney General West had remained totally silent. But the hon. Commissioner of Crown Lands, Mr. Price, had been appealed to, and what had the Hon. Commissioner said on that occasion in reference to agitation? He had stated "that the settlement under Lord Sydenham had been considered final, that peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end. Although three-fourths of the people believed that that arrangement was made in injustice and partiality they quietly submitted as the only means of restoring peace to the land; proportionate to that hope would be the grief and excitement produced by the referring of the question in the manner proposed by the resolution then before the Chair." That was what the Hon. Commissioner of Crown Lands said in 1846, and when he in his turn was asked by his friend, Mr. Robinson, how it happened that he had so thoroughly changed his opinion,--"Oh," replied the Hon. Commissioner of Crown Lands, "I deprecated agitation in 1846, because the complexion of the House did not suit it." So it would not appear that it was the peace and tranquility of the country that the hon. member studied, but the complexion of the House and his chance of successfully carrying on the work of agitation. As a striking instance of the Hon. Commissioner's morality, he would quote the reason he had assigned for opposing the hon. member for Norfolk's bill, namely, that if it passed, the House of Commons would see how Canada proposed to deal with the Clergy Reserves, and would certainly decline to confer upon her so dangerous a power. The Hon. Commissioner had opened the debate on the previous evening with stating that some two thousand petitioners only had petitioned against interference with the Clergy Reserves settlement, while 534,112 had petitioned for their appropriation to the purposes of education. Now, he, (Mr. Cayley) had applied to the Clerk of the House, who had informed him that only seven petitions with something less than 700 signatures attached had been presented in favour of a change, while 35 petitions against it had been presented on the very morning of the debate. Again the hon. member had stated that all the Wesleyan Methodists, through the members of their conference, had petitioned for it, and that they numbered according to Mr. Crofton's returns 147,758; but on turning to those returns it would be found that the whole body did not exceed 88,516. And what was the tenor of the Wesleyan petition? Clearly, rather against the unjust and unjustifiable manner in which the Government were

carrying out the act than against the act itself. That very passage which Mr. Price had so adroitly passed over in reading the petition, praying that they would not carry out some only of the clauses, passing over others making provisions for other denominations. It was against such gross injustice more especially that the Wesleyans had petitioned, and why had not the Government apportioned that fund amounting now to thousands of pounds? The reason was obvious, they did not desire to satisfy the discontent of the country. On the previous occasion, in 1850, on which the hon. Commissioner of Crown Lands had introduced the subject of the Clergy Reserves to the notice of the House, he had contrived with admirable ingenuity, taking a leaf out of the hon. member for Lincoln's book, to set a most imposing array of figures before the country; the example of his colleague and the opportunity of studying and adopting his arithmetical style, had not been neglected by the hon. member. The happily-conceived idea of adding a cypher, the percentage to cover omissions, the reduction of the pounds into shillings, and the distribution of the shillings among men, women and children--two millions, he had stated, divided amongst 1000 clergymen with a flock each of 730 souls, gave just seven shillings and six pence a-head. In short, every fictitious aid was resorted to to swell the amount. Acts of Parliament directing the apportionment of the Reserves, were treated as waste paper, and the Church of England was paraded as an overgrown monster, which had swallowed up some million-and-a-half or two millions of the fattest and broadest acres in Canada, and had left every other denomination stripped and destitute. The hon. member's eloquence and overwhelming calculations, backed by a standing majority in the House, had had their usual effect,--the address was passed, and, although regretted and condemned, was transmitted home by the Governor General, where its reception by the Imperial authorities had been still less flattering, and had only been entertained upon the supposition that it expressed the undoubted wishes of the bulk of the people. And so it came about that the settlement of the Clergy Reserves was to be unsettled, men's minds were to be disturbed, and public attention, caught by the attractive speculations of the hon. member, was to be drawn aside from the advantages and powers which they actually and legitimately possessed under the Act, to the dangerous study of what might be acquired by injustice and spoliation. It was not to be wondered at that the hon. gentleman, whose morality suggested a trade in Church property in 1846, should be the advocate of the principle that might make it right in 1851. The hon. Commissioner had broadly stated that the Clergy Reserves were appropriated by the two Churches of England and Scotland exclusively, while it was notoriously the fact that, for the last twenty years, annual allowances had been made to two other denominations, and that by the Act of 1840, one half of all sales was placed at the disposal of the government for Church aid and religious instruction, from any portion of which the Churches of England and Scotland were expressly excluded. Was it not strange, that although that fund had been gradually accumulating since 1847, and amounted, at that moment, to thousands of pounds, that no account had ever been given of it in the printed return laid before the House, nor any disposition made of it according to the act. And why had that information been withheld from the public, and the funds kept back from the several Churches that were willing and anxious to take their share? The answer was obvious: because such information, and distribution, would have satisfied the country and rendered agitation on the question useless and hopeless. The Government professed to be actuated by a desire to give to all equal advantages, and yet refused to avail themselves of the means at their command to do so. They professed a desire to extend the benefits of education, and proposed to carry their object out by stripping those who had of the little they possessed. To give the Government credit for great bungling (for a moment only, for they were too astute

generally to be obnoxious to such a charge) and not for a dishonest intention, let the house examine whether there were not ways and means at their command to give to all without robbing any, to do that fairly, satisfactorily, and constitutionally, which they sought to do by the aid of extraordinary powers, and with great violence. It was contended by hon. gentlemen opposite, that the people desired to have the Clergy Reserves appropriated to the purposes of education and instruction. But it would not be denied that the Churches of England and Scotland, and Rome were content to receive instruction and education, as far as the Clergy Reserves went, through their spiritual guides, nor could it be contended that the other denominations who composed the minority of the people had a right to dictate how the majority should receive their share allotted by law. The next question was, were the Government debarred by law from making such a distribution as might reasonably be expected--church aid to those who would receive church aid, the means of instruction and education to those who would only receive upon those terms? The Act of 1840 placed at the disposal of the Government, one half of all the Clergy Reserve sales to be effected for the purposes of church aid--and religious instruction. Would exception be taken to the term "religious," he (Mr. Cayley) contended that they could not make a good geologist, a good chemist, or a sound philosopher, but that the student will trace the hand of the Creator in all his works. Had the country declared against the principle of division of the funds and separate instruction? Clearly not, as the Churches of England and Scotland had claimed it in their portion of the Reserves. As the Church of Rome had asked for it in her schools, and by the despatches of the Governor General recently published, it was shown that the Wesleyan Methodists and Presbyterians were not disposed to surrender it in their colleges. The only question therefore that remained, was the one of amount. Would it be contended that the balance that remained, after deducting the portions allotted to the Churches of England and Scotland by the Imperial Act, was not in proportion to the numbers that would be left unprovided for? If that should be found to be the case, what obstacle was there to adding to the amount from the fund to be raised from the waste lands of the Crown. The Churches of England and Scotland had never raised their voices against such a course. The Imperial Government had cheerfully sanctioned the appropriation of waste lands to raise a fund double the amount of the present appropriation for school purposes, as if in anticipation of some such question as the one now raised, and if immediate funds were required, there was a sum of one hundred and fifty thousand pounds in the Provincial chest from which it could be supplied; surely the sums that were raised by taxing the people could not be better applied than in gratifying the wishes of the people. His (Mr. Cayley's) proposition, which he would repeat again, was simply this--"to give to the Churches of England and Scotland the amount allotted to them under the act, and to distribute the balance among the other denominations under the provisions of the act, either for church aid or for education, as those denominations chose to receive it, if the balance to be so distributed should be found insufficient to allow to each their just portion, to supply the deficiency from the fund to be raised from the waste lands of the Crown." He entreated hon. gentlemen to pause before they decided in favor of Mr. Price's resolution, upon a course based upon a sanction wrung from the Imperial Government under a mistaken view of the premises, a course which struck at the stability of all their institutions, a course which threatened irreparable injury to the cause of religion in Canada, without even the miserable plea of necessity to excuse it. He would have appealed on this occasion to the hon. Attorney General West himself, who up to that time had occupied so prominent a position and exercised an influence in that House, but for the inexplicable inconsistency of the hon. member's course on that subject. There were

two incontestible [sic] facts presented to the country, namely, that in 1846 Mr. Baldwin had solemnly predicted the utter discomfiture of the Church from the revival of agitation, and that in 1850-51, Mr. Baldwin had mainly assisted to revive it. He considered the struggle on that question and in that House to be at an end; constituted as the Government of the country then was, out of the question to expect that any matter, however grave, which did not involve Lower as well as Upper Canada interests, would meet with fair and deliberate consideration. There was one rule for Lower Canada, and a very different one for Upper Canada. Nevertheless, however hopeless for the while, it became the minority manfully to resist. Prudence, steadiness, discipline, and a conscientious discharge of duty, would prepare the way for the future.--Upper Canada was daily becoming more alive to the difficulties of her position, and the approaching elections might work a very important change.--He entreated hon. members from either section of the country, to reflect, as long experience has shewed them, that forbearance and mutual concession could alone lead to harmonious working, and that there was every ground for hope, if such a course were persevered in, of a brighter future for Canada, and that the Government of the country would be conducted on sound, constitutional, and on Christian principles.²

MR. AT. GEN. BALDWIN thanked the hon. member for Huron for the spirit in which his remarks towards him (Mr. B.) had been made. With regard to this question, it had been a great misfortune that when it was first brought under the consideration of the country, the government was conducted, not as it is at present by persons responsible to the representatives of the people in Parliament, but under a system which left those who were in office and out of office freed from those actual responsibilities which now existed. This circumstance gave rise on the part of those who had the reigns of government in their hands, to unreasonable expectations of being able to resist popular opinion by means of the irresponsible power wielded by them, aided by the weight of authority from the Mother Country; while on the other hand, it relieved those who were agitating the questions of all responsibility as to the extent and character of the demands which they made with the view of disturbing the question as it then stood. With no probability of being called upon to give effect to their opinions, it was open to them to bid, however high, for what they conceived tickled the popular ear. It was a great misfortune for Upper Canada that that was the manner in which the government was carried on when this question was first agitated in this section of the Province. He was satisfied that had the government at that time been conducted as it was at present, both the assailants of the Reserves and those in whose hands the government was placed, would have felt impressed with the necessity of maintaining their views in a very different spirit from that which unhappily pervaded the discussions up to the quasi settlement of 1839. No one unacquainted with the history of this question previous to the Union, had any idea of the extent to which it pervaded all political parties. Previous to the passing of the Imperial Act there had been not only several abortive attempts to settle this question, but there had been two, on two particular occasions by actually passing bills through both houses of the Provincial Parliament with that view--one in 1839 and the other in 1840, which was assumed to be the basis on which the Imperial Parliament enacted 34 Vic. chap. 78. With regard to himself, he had frequently had occasion to remark that there were [sic] a portion of the community who had conscientious scruples on the subject of all endowments on the ground that they were an evil to the Christian community for whose benefit the endowments were provided. He did not entertain these sentiments.³ Nor did he see any more objection to see endowments given by the State than by individuals⁴. He felt no conscientious scruples on the subject of

endowments, believing that it was a benefit to a christian community, as well as to any charitable institution to have an endowment, and not to have their clergy dependent solely on the mere contributions of their flocks. He believed that the receipt of pecuniary aid from the Crown did not lessen the efficiency of religious institutions, provided the money paid was a complete donation--one which had been given entirely to the community on whom it was bestowed, without involving the exercise of any influence by the Government that bestowed it. But he had a great objection to the priesthood of any christian denomination being, as it were, the pensioners of the Government, and open to having an influence exercised over them, which in his judgment was injurious alike to the Government and the denomination. It would be seen, therefore, that so far as regarded the provision 31, Geo. III,⁵ [that] one-seventh of the lands of the Province [be] given for the support of religion⁶, he could have no objection to the measure in the abstract.--He had, however, always held that other christian denominations, besides the Church of England, were included in the terms of that act; and it was left open to the Legislature to apply the proceeds of the Reserves as the increasing wants of the country might require. It was clear by reference to the terms of Geo III., that the Imperial Legislature contemplated such a change, and express power was given to make it; and, therefore, it appeared to him logical to contend that the provisions of that act were ever [sic] intended to give anything like a vested right to any christian denomination. To talk as tho' the selling of those reserves in the terms of the act in 1791 was, in itself, an actual conferring on any body or bodies of christian people, of a vested interest in them, always appeared to him inconsistent with a sound view of the act of Parliament, and with such principles as, applied to the construction of acts of Parliament, would guide us in any other question. Having had no difficulty on the subject of the application of public property for the endowment of churches, he would have been perfectly satisfied as far as regarded the mere application of these reserves by the English act of 1840. That act was in some respects fraught with evil; but remembering the mischief that resulted from former agitation, he never had felt any desire to disturb the settlement, and all his remarks on former occasions would be found to apply to that view of the subject, and not to imply that in his opinion the act imposed on the people any constitutional obligation to refrain from again agitating this question.⁷ If he could have induced the mass of the people of Upper Canada to be satisfied with that settlement, he should have been willing to do so⁸. If the mass of the people of Upper Canada had been satisfied with that settlement, he too would have been perfectly satisfied. He would challenge the honorable member for Huron to point to an instance in which he (Mr. Baldwin) made the Clergy Reserves a topic in any of his addresses on public occasions.⁹ He then mentioned several occasions on which he had addressed the public, without ever alluding to any disturbance of the general arrangement of the Clergy Reserves.¹⁰ From the commencement to the end of the first Parliament he had never made these reserves the subject of discussion. Then came the dissolution of 1843, when he had every desire to procure the voice of the people of Canada on the great principles involved in the resignation of himself and colleagues on that occasion; and it would be found that he did not then make the slightest allusion to the subject. Then came the dissolution of 1847-8, and still it would not be found that he favoured any efforts for the disturbance of the arrangement of these reserves. Bearing these facts in mind, he appealed to honorable gentlemen opposite to say whether it could be justly attributed to him that he had disturbed the question.¹¹ Had he wished to ... he should have brought it up on such occasions.¹² The movement to disturb it was commenced by the regularly organized bodies of the Church of England. It came from the dioceses of Toronto and Quebec. So far from desiring that the act of 1840 should remain settled, the constituted ecclesiastical

bodies of these two dioceses petitioned parliament that it might be disturbed, and that the Clergy Reserve lands might be distributed amongst the different denominations--that steps might be taken for the purpose of investing the lands themselves in the different ecclesiastical corporations. Had this course been adopted, infinite mischief would have resulted to the country.¹³ The arrangement of 1840 was very different from that sought by the Church of England in 1844. No mode of dealing with the lands could be productive of greater evils than the course proposed in 1844, of vesting those lands in the religious corporations, to allow them to sell or rent or to do what they pleased with them.¹⁴ Referring to what he said in the debates of 1846, it would be found that they were in reference to an application of the Church of England for the purpose of having these lands converted to her in mortmain--to enable her to dispose of them as she pleased; it was on that occasion that he used the language which had been quoted. The necessary consequence of these petitions on the part of the Church of England was, to excite counter movements and petitions.¹⁵ The re-agitation ... then did not commence with him or his friends. Whether it might not have been re-opened by those who are foremost in pressing the question on the attention of the country it was not for him to say; it was a question respecting which he had no responsibility. When asked by leading men of this country to make it the rallying point at the last election, he¹⁶ distinctly refused to be a party to any such proceeding. He had felt the danger in the agitation of this question formerly, and he refused to consent to making it a fresh subject of party agitation, and he should do so under any circumstances. The elections of 1847-8 resulted in placing himself and friends in the responsible position they then held, and it became necessary to consider in what light this question was to be viewed. There was no desire on his part to disturb the question, if the country would rest satisfied with it, although he felt the settlement of 1840 was fraught with great evils. He did not think that there was any constitutional obligation to treat the arrangement of 1848 as a settlement of the question. He was willing that it should be acquiesced in if the country would acquiesce, but he did not think that the country was constitutionally bound to treat it as a final settlement. Had the Imperial Parliament taken up¹⁷ Sydenham's bill¹⁸ and adopted it, he should have felt that it had settled the question. But then the Parliament of England took up the subject in an entirely different spirit, making a different appropriation of the reserves, and instead of providing for their division equally among the different denominations, according to members, left the appropriation to the arbitrary will of the government of the day. He need not advert to the general question of the mode of applying these reserves to Protestant denominations of all kinds, but would come to the matter as it stood before the House. It appeared to him that as yet the course of this debate had gone considerably beyond the point which they were properly called on to consider. Although it was not for him to say that hon. gentlemen should not re-discuss the whole question; yet it appeared to him that so far as regarded the proposition of his hon. friend, the member for South York, there was by no means any necessity for so doing; but on the contrary the proposition he had moved had been studiously framed to avoid any such necessity. Last session, the House asked Her Majesty to interfere with the Imperial Parliament to obtain for Canada powers which at present she does not constitutionally possess. Her Majesty had graciously answered that address, and the House had been informed that the Imperial Ministry were prepared to go down to Parliament to obtain this constitutional power. The House, then, was merely called on to thank Her Majesty for doing that which she had been asked to do; and this was, after all, an act of courtesy in which all might concur. He thought it was due from this House to Her Majesty to return grateful thanks for acceding to the wishes of the Canadian Legislature; and that if they did not take this step they would be

wanting in respect to Her Majesty, and wanting in reference to having a foundation on which to hold expectations of future attention to our wishes on any question that might affect the welfare of the Province, and its position as one of the first colonies in the empire.¹⁹ Il trouve que M. Price adopte une ligne de conduite tout-à-fait discrète.²⁰

MR. H. SHERWOOD said when²¹ the Act of 1840²² was under consideration, the other day, he maintained that the question was considered settled by the people of the Province, by Lord Sydenham, by the Imperial Parliament, and by the hon. gentleman who had just spoken²³ and it was so stated in the preamble of the bill.²⁴ The acquiescence of the people in the settlement for ten years, implied, not their entire approval of it, but their conviction that it was a final arrangement. He had no doubt that it was intended to be such. The Church of England never sought interference, but pointed out what they considered was the best mode for managing that part of the Reserves which was appropriated to them. The Church of England did this because they had seen that 50 per cent. of the proceeds of the Reserves had been applied to the payment of the expenses of the Crown Land department; and it was with the view of preventing a continuance of this squandering, that they endeavoured to obtain absolute controul of their share of the lands--leaving other denominations to do as they chose. The hon. Attorney General, West, opposed the attempt, on the ground that he looked on the question as settled. Why did he not meet in a similar manner the party [*sic*] who were now striving to re-open the question? It had been trumpeted forth that the resolutions of last session were carried by considerable majorities but, in fact, the only resolution which embodied any vital principle, was the twenty-ninth, and it was carried only by a majority of two. Had the Imperial Government been informed of this circumstance, he (Mr. S.) believed that they would not have returned the answer which had been received; but the matter had been misrepresented to an extent which had deceived them. He wished hon. members carefully to review the whole bearings of the question before giving a vote upon it. The spirit that is now abroad would not be satisfied with the spoliation of the Church of England and the alienation of the Clergy Reserves from other denominations.²⁵ If these reserves were diverted from their original purpose, all support of religion would be swept away in the Province.²⁶ Gentlemen from Lower Canada might say, "we hold our property on a different tenure from yours"; but the spirit to which he alluded would not stop at an imaginary boundary between the two sections of the Province--it would go on, and go on, and ultimately it would assail the property held for religious purposes in Lower Canada with redoubled force. He appealed to the House to maintain the existing arrangement, and cited Lord Elgin's despatch to the Home Government to show that His Excellency deeply regretted the present movement. Her Majesty, through her advisers, had echoed these expressions of regret; and he (Mr. S.) therefore, thought that he was not asking too much when he asked the House to reconsider the course pursued last session. He approved of the policy of the Imperial Government in acceding to the application of the Provincial Parliament; believing that we should have the management of our own affairs--that under the present constitution and mode of government, we should have placed at our disposal everything to be determined by the Legislature of this country which was at all connected with the interests or local affairs of the country. But while thanking Her Majesty for her ready compliance with the application of this Legislature, we should not disregard her direct recommendation as to the maintenance of the existing settlement.²⁷

MR. W. BOULTON also argued that the question was a settled one; in substantiation of this view of the case, he²⁸ referred to debates in the Imperial Parliament when the existing settlement was laid down to show that members of

all parties viewed the arrangement as conclusive. The hon. Attorney General, West, said he would have been satisfied with the arrangement if it had been in the terms of the bill sent home, but it appeared to him (Mr. Boulton) that the amendment introduced by Mr. Cayley would place the matter as the Provincial Legislature formerly desired it to stand. He did not regard the question in its bearings on the Church of England or any other denomination, but in a much higher aspect. He regarded the course proposed as an actual declaration of opinion that it was not desirable to render any support to religion or religious instruction²⁹ in Canada³⁰. He deemed such support essential, and had evidence, which to him was satisfactory, that many of the leading men of the United States admitted the³¹ total³² failure of the voluntary principle in that country. Much as he admired many of the measures that had been adopted in that country, his own observation strengthened his conviction that voluntarism was insufficient to meet the spiritual wants of the people.³³ In the Western States the people were growing up as heathens, without any ministers among them.³⁴ In Michigan and many other states, there were whole districts in which a minister of the gospel was never seen; and one of the effects of this deplorable state of things was seen in³⁵ a depraved public morality; in a large number of office holders, and doctors, and lawyers, had been detected one of the worst conspiracies ever planned, to commit fraud and robbery³⁶ [and] to destroy life and property in Michigan. Another evidence of the melancholy working of voluntarism was, that several States in the Union had repudiated their public debts, a circumstance which he regarded as a consequence of the absence of public religious instruction.³⁷ This would not have taken place if there had been that state of moral feeling in the country that prevails here.³⁸ Surely it was not desirable that similar public morality should be allowed to prevail in Upper Canada. He trusted that the principle involved in the motion before the house would never be sanctioned. If it were, Lower Canada members must remember that the principle would certainly extend with equal violence to their section of the province.³⁹

MR. BADGLEY entered into a detailed argument to show that the Clergy Reserves were to be regarded as inviolable, and that they have been so regarded from time to time by the Provincial and Imperial Legislatures. They cannot be disturbed, without a fatal blow being struck at the religious endowments of Lower Canada.⁴⁰ [Il] tâche d'établir une similitude dans les termes des octrois faits à l'église catholique Romaine du Bas-Canada, et ceux des octrois faits aux églises protestantes de tout le Canada. Il dit que par l'acte de '74 la religion catholique Romaine fut rétablie en Canada, et le clergé de cette église remis en possession de ses droits accoutumés, les dîmes, &c. Il fut aussi pourvu à ce que la faveur royale fût portée aussi sur la religion protestante pour le support de son clergé sur le reste de ses droits accoutumés, selon que sa Majesté le jugerait nécessaire de temps à autre. Par l'acte de '91 ces deux dispositions furent consacrées, car c'est, selon lui, le même acte qui préserve les dîmes au clergé catholique, et établit les réserves, parceque [sic] toutes les lois existantes, et par conséquent l'acte de '74 sont continuées en force, et l'appropriation des réserves est expressément fait, et non accordées, pour le support du clergé protestant, d'après les termes mêmes de l'acte de '74. Il dit qu'avec l'extrême liberté de penser qu'a le peuple de Haut-Canada, il n'aurait pas plus tôt obtenu une chose qu'il en voudrait une autre, et qu'il étendrait ses entreprises contre le Bas-Canada pour l'abolition de toutes les dotations religieuses.⁴¹ He therefore supported the amendment of the hon. member for Huron.⁴²

MR. HOPKINS had heard a great deal about the settlement of the Clergy Reserves, but nevertheless, knew that the settlement, as the present disposal of

the reserves was called, was against the wishes of⁴³ seven-tenths of the people of the country. They had been made valuable by the labour of people, and by that only. He should oppose the amendment.⁴⁴

MR. MORRISON looked on the existing arrangement as not a final settlement, because he believed it was opposed to the wishes of nine-tenths of the people of Upper Canada. Honorable members were in the habit of referring to speeches delivered in 1846, and at other times; but these could not be supposed to bind the people of Upper Canada.⁴⁵ At present the proposition was only to do what was done last session.⁴⁶ For his part, he would not be bound by any such proceeding. The honorable Attorney General West⁴⁷, the member for North York, was quite right however in saying that the agitation had been renewed by the dignitaries of the Church of England⁴⁸ after the arrangement of 1840--not the laity.... They were the parties who interfered with the settlement, with the object of placing all the lands at the disposal of the Bishop of Toronto, and to lease them out to the people of this Province⁴⁹ [establishing] a dependent tenantry throughout the country.... He well remembered the outcry which took place throughout the Province when that attempt was made to get the lands into the hands of the Clergy.... It was well known that these reserves were the cause of the rebellion, and the same spirit was not yet extinct.⁵⁰ The outcry was such against the proposal, that the honorable member for Toronto withdrew his bill.⁵¹

MR. H. SHERWOOD said there never was any bill.⁵²

MR. MORRISON.--Well, the resolutions were withdrawn.⁵³

MR. H. SHERWOOD said they never were. An address to the Queen was proposed, but was negatived by a vote of the House.⁵⁴

MR. MORRISON said the people of the Province were opposed to the whole system as it now stood. It was averred that there were no petitions, but the reason was that the people had petitioned till they were tired, and they were now determined to apply all their strength at the hustings. Until these reserves were altogether swept away, there never could be peace in Upper Canada. The only course that could satisfy the great majority of the people was to give these reserves for purposes of general education, or of general and local improvement. He trusted that the resolutions proposed by the honourable Commissioner of Crown Lands would be adopted by this House, and that we should be enabled to legislate in regard to these reserves in whatever way might be most acceptable to the people. He would have preferred a course which would at once have placed the matter absolutely in the hands of the Provincial Legislature, but his resolution last year having been negatived, and Mr. Price's address adopted, he (Mr. M.) felt that the adoption of the present motion followed as a matter of course, as an act of courtesy to her Majesty.⁵⁵ In reply to the hon. Mr. Sherwood [he] said⁵⁶ the principle involved in the address of last year was carried by a majority of 18 or 20 instead of two, as had been stated to-day. For his own part, he should be satisfied with no settlement⁵⁷ of the question⁵⁸ which did not divest all churches of every acre of land now held by them⁵⁹ and [give them] for education or public improvements.⁶⁰

(128)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Dickson, Sir Allan N. MacNab, Malloch, Meyers, Robinson, Seymour, Sherwood of BROCKVILLE,

Sherwood of TORONTO, and Stevenson.--(13.)

NAYS.

Messieurs Armstrong, Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Dumas,

(129)

Fergusson, Flint, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Wilson.--(50.)

So it passed in the Negative.

And the Question being again proposed, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Mr. Seymour, That all the words after "That" to the end of the Question be left out, in order to add the words "an humble Address be presented to Her Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of the last Session, on the subject of the Clergy Reserves: to assure Her Majesty that this House, and the Province at large, feel deeply grateful for the communication received from the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, conveying Her Majesty's Answer thereto, intimating Her Majesty's readiness to accede to the wishes of the People of Canada in matters exclusively affecting their interests; and further, to assure Her Majesty, that this House feels under the highest obligation to Her Majesty's Imperial Ministers for the kind and proper consideration they have manifested in the future welfare and prosperity of this Province in giving expression, in the said Despatch, to a feeling of deep regret that a subject of so much difficulty as that of the Clergy Reserves should, after an interval of some years, have again been brought under discussion, and giving it as their judgment, that the advantages to this Province would be great by leaving undisturbed the existing arrangement, whereby certain portions of the Public Lands of Canada are made available for the purposes of creating a fund for the religious instruction of its inhabitants" instead thereof;

MR. AT. GEN. LAFONTAINE entered at some length into a consideration of the question which had hitherto been argued as if it belonged to Upper Canada alone although in fact it was common also to Lower Canada.⁶¹ [He] said the question should not have been taken from under the control of the parliament of Canada. Lower Canada was equally interested with Upper Canada in this question. Formerly⁶² the Church of England⁶³ réclamait seule ces terres, et ... [il a] dernièrement ... attendu [sic] un dignitaire de cette église parler de l'acte de 1841 comme d'un acte de spoliation. Mais alors⁶⁴ the Church of Scotland claimed part of these

funds as belonging to them, because they were also an established church⁶⁵ à l'exclusion d'autres sectes non-établies⁶⁶; that claim was admitted. Since then, there had been a disruption in that church, and a majority⁶⁷ [d'une] partie de l'église d'Ecosse raisonnant d'après ses anciens principes⁶⁸ [and] who now form the Free church, hold that no denomination ought to share these reserves⁶⁹, [et ils ne voulaient] plus avoir droit à en réclamer aucune partie. Eh bien!⁷⁰ The judges had decided that the Clergy Reserves were intended for all Protestant denominations⁷¹ [and] in 1841 the present arrangement was made, when one hon. member called⁷² un compromis, fut fait; mais le compromis ne fut pas établi dans l'acte du parlement provincial.⁷³ For interpretation of the use to which the reserves should be applied, he looked to the Act of 1791 and he would not believe that⁷⁴ le mot protestant aurait été employé pour désigner seulement l'église d'Angleterre,⁷⁵ and he held that interpretation⁷⁶ parce que quand, dans une autre partie, l'acte parle des rectoreries, il désigne l'église d'Angleterre par son nom.⁷⁷ He had found the act of 1841⁷⁸ was not a compromise at all⁷⁹ -- first, because the will of the people was not followed in Upper Canada and secondly, because the people of Lower Canada were not consulted at all⁸⁰, and the existing act could not be binding on that section of the province.⁸¹ Again [the lands] in Lower Canada had been kept since the act of 1841 in such a manner as to show that they were not looked on in the same manner as [those in] Upper Canada. He was sorry to hear the remark of the hon. member for West York, that he would never be satisfied till the whole endowment was swept away, for though, perhaps⁸² the clergy reserves were not in his opinion a vested right to the same extent as the rectories, to a certain extent they were so.--⁸³ L'hon. membre pour Missisquoi a tort de considérer que l'octroi avait été fait d'abord à titre absolu; car s'il on eut été ainsi l'acte de 1791 qui permet un changement dans l'octroi, n'aurait été d'aucune utilité.⁸⁴ The [Act of] 1791 did not make an absolute appropriation; for it gave the Legislature power to "vary or repeal." In the case of the rectories an absolute appropriation has taken place; the government has ceased to possess the property with which they are endowed; and if they are to be disturbed it must be before another tribunal than this Legislature. If there were any denominations that could not accept any portion of the reserves they had not right to prevent others; and the attempt to do so was an intolerance he could not support.⁸⁵ It would be an act of religious tryanny⁸⁶. Let the Reserves be divided among all denominations⁸⁷ [and] those who did not wish to employ the funds for the support of their clergy might apply them to any other purpose; but let them not refuse them to others.⁸⁸ He then replied to the threat⁸⁹ [which] has again been made to the Lower Canadians, on the ground⁹⁰ that if the Act of 1840 were disturbed⁹¹ [and] if they meddled with these grants,⁹² [then] the church property in Lower Canada would next be assailed⁹³ -- that was very wrong⁹⁴. [He repeated] that Lower Canada had not been consulted in the existing arrangements; and that justified him in seeking the repeal of the Imperial Act.⁹⁵ If injustice was done to one man, that was no reason why it should be done to another, and he was acting with justice to the Church of England now, although he believed his own Church had been treated with injustice on the Jesuit Estates. He thought the Clergy Reserves should be fairly divided among Protestant denominations, and that they should be altogether taken out of the hands of the government as the only way to put them beyond the reach of agitation. The Reserves he considered were vested rights, and should not be disturbed⁹⁶ de leur usage actuel⁹⁷ unless by the process of law⁹⁸ if, as was pretended they were improperly obtained.⁹⁹ The government should have no discretion over the distribution of the money to the different denominations.¹⁰⁰ He would tell his Protestant fellow countrymen [sic] that they would never find opposition to their¹⁰¹ religious liberty¹⁰² from Roman Catholics and French Canadians. The

latter had repeatedly passed acts in Lower Canada to give equal rights to those who were called Dissenters and Jews, [acts] which were rejected by members of the Church of England in the Council, and at a moment when in England a pretended aggression had given occasion for persecution, it was worthy of notice that the Church of England in Canada had to rely upon Catholics to protect it against the aggression of other Protestant sects.¹⁰³

MR. J. CAMERON went over a legal argument in order to point out that there really was a vested right in the property of the Reserves by the grant of the King as well as by a succession of Legislative acts. He again reminded the Lower Canadian members of the danger which might befall their own institutions, from the prevalence of the principles involved in the course now proposed to be taken with the Clergy Reserves. He concluded by expressing his gratification at the late vote upon the Diocese of Montreal Temporalities Act; for this showed that some who had hitherto acted against himself and his friends, had been led either from a sense of justice or from a sense of danger, to do justice to the Church to which he belonged. It was now clear that a similar agitation was going on in Lower Canada; and in Upper Canada, ministers already found that it was necessary to stem the tide, which threatened to overflow what they conceived to be sacred.¹⁰⁴

MR. CHAUVEAU concurred in every word uttered by the Hon. Attorney General East, and replied to the allusions made to Lower Canadians by the last speaker, which, he said, dishonoured them, by imputing to fear what had been done from a sense of justice. These proceedings put Lower Canadians into a false position; and it led them sometimes to doubt whether hon. members did not wish that Lower Canadians would furnish the man [sic] excuse to do what they threaten'd. However this might be, the Lower Canada endowments could never be destroyed, and indeed they stood upon grounds better than the best Episcopal endowment; for it was absurd to compare private gift [sic] and bequests to State endowments. He also replied to the statement that the address of last year was carried by a majority of only two, when in fact, there was a larger majority on a vote which went a great deal farther than the one actually carried.¹⁰⁵

MR. INSP. GEN. HINCKS differed from his hon. friend the Attorney General East in thinking that these Reserves were not vested rights. If they were, he would go as far as any man in support of them; but he regarded the act of 1791, which allowed the treatment of these funds by the Legislature as perfectly conclusive on that point. Members who thought as he did, were taunted with hostility to the Church of England; but he found that the venerable bishop of the diocese of Toronto was himself, in a recent publication, endeavoring to advise his people to act upon the voluntary principle. Nor could he understand how it was that the Church of England in Canada should require funds, which were neither possessed by the Episcopal Church in the United States nor in the sister colonies. He complained that statements had been sent home to England that the vote of last session had been carried by a majority of Catholics, whereas in fact there had been a large Protestant majority. It was said to [sic], that the majority was but two, whereas the fact was that the test vote was 15 to 50. The hon. member concluded by justifying the course of the ministry and especially of the Commissioner of Crown Lands upon this question.¹⁰⁶

MR. H. BOULTON made some sarcastic remarks relative to differences in the Cabinet upon this question, but did not bring out any new fact. He went on to make some general remarks on the subject of the Reserves and Rectories.¹⁰⁷

MR. MERRITT supported the address of Mr. Price.¹⁰⁸ [He] was decidedly of opinion that¹⁰⁹ the Reserves should be preserved as a fund for the future educa-

tion of our children. He entered into the history of the question with a view of shewing the mutability of things considered permanent, and he confessed that he had very little respect for the permanency of laws and parliaments.¹¹⁰ Upon the assumption that Mr. Lafontaine truly represents the opinions of his countrymen, [he] declared that the Union cannot last two years.¹¹¹ He referred to the important declaration of the Attorney General East as to his being opposed to peculiarizing [*sic*] the Reserves¹¹² [and he said] it would be idle to deny that there is in Upper Canada a large number of persons in favor of secularizing the Reserves; it is a subject that gives scope for the display of a large amount of fanaticism, a feeling that listens to no argument and that is likely to engender a political movement remarkable for its audacity. An agitation for a dissolution of the union by the Upper Canada Radicals is not therefore an impossible, hardly an improbable result of the course which it is now certain the French Canadians will pursue on this question. Should this be the case, where are we to look for the defenders of the assailed union? To the Upper Canada Conservatives? They have always disliked the union, and late events have not changed that dislike to affection. Shall we then look to the French Canadians? Do they not in their hearts detest the union? They might nevertheless support it for particular reasons.¹¹³ [He then] asked the French members for some expression of opinion by which the people of Upper Canada might know what to expect when this matter was placed under their control.¹¹⁴

MR. CAUCHON did not think the Canadians were called upon to express their opinions on the question before it came before the House for decision. He thought all discussion at present premature¹¹⁵ and he therefore disclaimed being bound to follow the course of his leader on this question.¹¹⁶ This much he would only say, that the Canadians thought the Reserves should be brought back to be decided by the Canadian Parliament.¹¹⁷

MR. CARTIER was of the same opinion with the previous speaker.¹¹⁸

A few words [came] from MR. CHAUVEAU.¹¹⁹

(129)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cameron of CORNWALL, Dickson, Malloch, Meyers, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Stevenson.--(10.)

NAYS.

Messieurs Armstrong, Baldwin, Boulton of NORFOLK, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Duchesnay, Ferguson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Mackenzie, McConnell, McFarland, Merritt, Métrot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, and Wilson.--(46.)

So it passed in the Negative.

And the Question being again proposed, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded this House, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of

the said Address, that it has appeared to Her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected;

MR. COM. CR. LANDS PRICE replied. He made a general defence of his course, contending that he had ever been sincere and consistent on this question. He explained the passages that had been cited from his speeches in 1846, by stating that he did not then believe the question could have been brought up with any good result, and that was the reason he had uttered the sentiments that had been read from his speeches.¹²⁰

MR. MACKENZIE said, neither the original motion nor any of the amendments met his views¹²¹.

(129)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. McFarland, That all the words after "That" to the end of the Question be left out, in order to add the words "the Clergy Reserves, originally bestowed by the Constitutional Act upon a Protestant Clergy exclusively, having been already diverted from that purpose, by appropriating them also to the Roman Catholic Church, it is both warranted by past practice, and by the often expressed opinion of the People of Upper Canada, that future Civil and Religious tranquillity should be secured by the final diversion of these Reserves from all Ecclesiastical and Church purposes whatever, and by their application to a general system of Education whereby persons of all classes in society and of all creeds in Religion will alike profit" instead thereof;

MR. MACKENZIE, in a speech of some length, full of quotations and allusions,¹²² entered into the various bearings of the question, and the conduct of public men in relation to it.¹²³ [This speech produced] frequent explosions of laughter. [He then] moved an amendment affirming that as the Clergy Reserves had been already diverted from their original purpose, it was now desirable to appropriate them to the purpose of general instruction.¹²⁴

A few words [came] from MR. RICHARDS and MR. CHAUVEAU in reply.¹²⁵

MR. J. SMITH argued¹²⁶ [and] attempted to show¹²⁷ that there could have been no vested right in the Reserves; going shortly over the history of the grant, to the act of 1841, and showing that throughout, there was a clear and recognized right to vary and modify the grant, in a manner which made it impossible to adhere to the idea of a vested right.¹²⁸

MR. MORRISON said at any other time, he would vote for the present amendment; but at present he thought it the wrong period to enter on that part of the subject.¹²⁹

(129)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Hopkins, Mackenzie, and McFarland.--(4.)

NAYS.

Messieurs Armstrong, Badgley, Baldwin, Bell, Boulton of TORONTO, Bouthillier, Burritt, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Chauveau, Dickson, Dumas,

Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Sir Allan N. MacNab, Malloch, McConnell, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Stevenson, and Wilson.--(56.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Baldwin, Bell, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hall,

(130)

Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, and Wilson.--(45.)

NAYS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cayley, Dickson, Hopkins, Mackenzie, Sir Allan N. MacNab, Malloch, Meyers, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Stevenson.--(16.)

So it was resolved in the Affirmative.

Committee appointed to draw up an Address to the Queen.

Resolved, That a Select Committee, composed of the Honorable Mr. Price, Mr. Morrison, Mr. Richards, Mr. Flint, and the Honorable Mr. Hincks, be appointed to prepare and report the draught of an humble Address to Her Most Gracious Majesty, founded on the

foregoing Resolution.

Address reported.

The Honorable Mr. Price reported from the Select Committee appointed to prepare and report the draught of an humble Address to Her Majesty on the subject of the Clergy Reserves, that they had drawn up an Address accordingly; and the same was read, as followeth:--

To the Queen's Most Excellent Majesty.
Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, beg leave respectfully to thank Your Majesty for the gracious manner in which Your Majesty has been pleased to receive our Address of last Session on the subject of the Clergy Reserves; and to assure Your Majesty of the great satisfaction which it has afforded to Your faithful Commons, and the Province at large, to learn from the Despatch of the Right Honorable Earl Grey, Your Majesty's Principal Secretary of State for the Colonies, communicating such Your Majesty's gracious reception of our said Address, that it has appeared to Your Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements, with regard to those Reserves, provided that existing interests are respected.

And the said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Address to
His Excellency.

Resolved, That an humble Address be presented to His Ex-
cellency the Governor General, informing His Excel-

lency that this House hath voted an humble Address to Her Majesty on the subject of the Clergy Reserves; and praying that His Excellency would be pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Ordered, That the said Address be engrossed.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Richards, seconded by Mr. Smith of Durham,
The House adjourned.

FOOTNOTES: 1 JULY 1851.

1. The following papers reported the debate on this matter in partially identical accounts: EXAMINER, 2 July 1851, GLOBE, 3, 5 July 1851, BRITISH COLONIST, 4 July 1851, NORTH AMERICAN (Weekly), 4 July 1851, PILOT, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851, which copied from HERALD, 5 July 1851, BATHURST COURIER, 15 July 1851, and LA MINERVE, 12 July 1851. The debate was also reported by MONTREAL GAZETTE, 7 July 1851, which also contained a commentary on the debate.
2. GLOBE, 3 July 1851.
3. IBID.
4. NORTH AMERICAN (Weekly), 4 July 1851.
5. GLOBE, 3 July 1851.
6. NORTH AMERICAN (Weekly), 4 July 1851.
7. GLOBE, 3 July 1851.
8. NORTH AMERICAN (Weekly), 4 July 1851.
9. GLOBE, 3 July 1851.
10. NORTH AMERICAN (Weekly), 4 July 1851.
11. GLOBE, 3 July 1851.
12. NORTH AMERICAN (Weekly), 4 July 1851.
13. GLOBE, 3 July 1851.
14. NORTH AMERICAN (Weekly), 4 July 1851.
15. GLOBE, 3 July 1851.
16. NORTH AMERICAN (Weekly), 4 July 1851.
17. GLOBE, 3 July 1851.
18. NORTH AMERICAN (Weekly), 4 July 1851.
19. GLOBE, 3 July 1851.
20. LA MINERVE, 12 July 1851.
21. GLOBE, 3 July 1851.
22. NORTH AMERICAN (Weekly), 4 July 1851.
23. GLOBE, 3 July 1851.
24. NORTH AMERICAN (Weekly), 4 July 1851.
25. GLOBE, 3 July 1851.
26. NORTH AMERICAN (Weekly), 4 July 1851.
27. GLOBE, 3 July 1851.
28. NORTH AMERICAN (Weekly), 4 July 1851.
29. GLOBE, 3 July 1851.
30. NORTH AMERICAN (Weekly), 4 July 1851.
31. GLOBE, 3 July 1851.
32. NORTH AMERICAN (Weekly), 4 July 1851.
33. GLOBE, 3 July 1851.
34. NORTH AMERICAN (Weekly), 4 July 1851.
35. GLOBE, 3 July 1851.
36. NORTH AMERICAN (Weekly), 4 July 1851.
37. GLOBE, 3 July 1851.
38. NORTH AMERICAN (Weekly), 4 July 1851.
39. GLOBE, 3 July 1851.
40. IBID.
41. LA MINERVE, 12 July 1851.
42. GLOBE, 3 July 1851.
43. IBID.
44. NORTH AMERICAN (Weekly), 4 July 1851.
45. GLOBE, 3 July 1851.
46. NORTH AMERICAN (Weekly), 4 July 1851.
47. GLOBE, 3 July 1851.

48. NORTH AMERICAN (Weekly), 4 July 1851.
49. GLOBE, 3 July 1851.
50. NORTH AMERICAN (Weekly), 4 July 1851.
51. GLOBE, 3 July 1851.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. NORTH AMERICAN (Weekly), 4 July 1851.
57. GLOBE, 3 July 1851.
58. NORTH AMERICAN (Weekly), 4 July 1851.
59. GLOBE, 3 July 1851.
60. NORTH AMERICAN (Weekly), 4 July 1851.
61. GLOBE, 5 July 1851.
62. NORTH AMERICAN (Weekly), 4 July 1851.
63. GLOBE, 5 July 1851.
64. LA MINERVE, 12 July 1851.
65. GLOBE, 5 July 1851.
66. LA MINERVE, 12 July 1851.
67. NORTH AMERICAN (Weekly), 4 July 1851.
68. LA MINERVE, 12 July 1851.
69. NORTH AMERICAN (Weekly), 4 July 1851.
70. LA MINERVE, 12 July 1851.
71. NORTH AMERICAN (Weekly), 4 July 1851.
72. GLOBE, 5 July 1851.
73. LA MINERVE, 12 July 1851.
74. GLOBE, 5 July 1851.
75. LA MINERVE, 12 July 1851.
76. NORTH AMERICAN (Weekly), 4 July 1851.
77. LA MINERVE, 12 July 1851.
78. GLOBE, 5 July 1851.
79. NORTH AMERICAN (Weekly), 4 July 1851.
80. GLOBE, 5 July 1851.
81. NORTH AMERICAN (Weekly), 4 July 1851.
82. GLOBE, 5 July 1851.
83. NORTH AMERICAN (Weekly), 4 July 1851.
84. LA MINERVE, 12 July 1851.
85. NORTH AMERICAN (Weekly), 4 July 1851.
86. GLOBE, 5 July 1851.
87. NORTH AMERICAN (Weekly), 4 July 1851.
88. GLOBE, 5 July 1851.
89. NORTH AMERICAN (Weekly), 4 July 1851.
90. GLOBE, 5 July 1851.
91. NORTH AMERICAN (Weekly), 4 July 1851.
92. GLOBE, 5 July 1851.
93. NORTH AMERICAN (Weekly), 4 July 1851.
94. GLOBE, 5 July 1851.
95. NORTH AMERICAN (Weekly), 4 July 1851.
96. GLOBE, 5 July 1851.
97. LA MINERVE, 12 July 1851.
98. GLOBE, 5 July 1851.
99. BRITISH COLONIST, 4 July 1851.
100. NORTH AMERICAN (Weekly), 4 July 1851.
101. GLOBE, 5 July 1851.
102. NORTH AMERICAN (Weekly), 4 July 1851.

103. GLOBE, 5 July 1851.
104. NORTH AMERICAN (Weekly), 4 July 1851.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. GLOBE, 5 July 1851.
110. NORTH AMERICAN (Weekly), 4 July 1851.
111. MONTREAL GAZETTE, 7 July 1851.
112. NORTH AMERICAN (Weekly), 4 July 1851.
113. MONTREAL GAZETTE, 7 July 1851.
114. NORTH AMERICAN (Weekly), 4 July 1851.
115. IBID.
116. MONTREAL GAZETTE, 7 July 1851.
117. NORTH AMERICAN (Weekly), 4 July 1851.
118. GLOBE, 5 July 1851. MONTREAL GAZETTE, 7 July 1851, added: "Cauchon and Cartier rather rapped him [Mr. Lafontaine] over the knuckles for prematurely divulging what they thought it was important to keep secret for a while, ... [that] when the question comes up for settlement, ... the French party have agreed among themselves to oppose the secularization of these lands."
119. NORTH AMERICAN (Weekly), 4 July 1851.
120. IBID.
121. GLOBE, 5 July 1851.
122. NORTH AMERICAN (Weekly), 4 July 1851.
123. GLOBE, 5 July 1851.
124. NORTH AMERICAN (Weekly), 4 July 1851.
125. IBID.
126. IBID.
127. BRITISH COLONIST, 4 July 1851.
128. NORTH AMERICAN (Weekly), 4 July 1851.
129. IBID.

WEDNESDAY, 2 JULY 1851.

(130)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Chabot,--The Petition of André
Leroux Cardinal, Chief Messenger of this House.

By Mr. Sanborn,--The Petition of Charles A.C. de Tonnancour, Esquire, Coroner
of the District of St. Francis.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of Archibald McCallum and others, of Upper Canada; praying for the passing of
an Act to allow free competition between the contending systems of Medical prac-
tice, and to remove the penal liabilities of practising without license, or
otherwise to recognize the Diplomas or Certificates of those Botanic or other
practitioners, received from a regularly organized Board of their own Medical
Sect.

Of the Reverend M. Townsend and others, the Board of Directors of the
Clarenceville Academy; praying aid in behalf thereof.

Of E. Cartier and others, Censitaires, of St. Hyacinthe and other Parishes,
in the County of St. Hyacinthe; and of the Reverend Jean B. Bélanger and others,
of the County of Richelieu, Censitaires; praying for the adoption of measures
for defining the rights of Seigniors, and to abolish the Seigniorial Tenure in
Lower Canada.

Of the Reverend William T. Leach, D.C.L., and others, the Ministers, Church-
wardens, and Congregation of St. George's Chapel in the City of Montreal; pray-
ing for the adoption of measures to abolish labor on the Lord's Day in the Postal
Department of the Public Service.

Of the Montreal and Vermont Junction Railway Company; praying for such an
extension of their Charter as may enable them to construct a Branch line to con-
nect the said Railway with certain eastern lines of Railway.

Of the Reverend L.A. Bourret and others, of Ste. Anne de la Pocatière, and
of the Township of Ixworth, County of Kamouraska; praying aid to improve the
Road called the Government Road, from the third concession of the said Parish to
the third range of the said Township.

Of the Municipal Council of the United Counties of Lanark and Renfrew; pray-
ing for a better system of economy in the County funds,--that the appointments
of all local officers be transferred to the Municipal Councils,--that the new
Jury law may be amended,--and that no alteration be made in the mode of taking
the Census of Upper Canada to conform it to that of Lower Canada.

Of James Jessup, of the Town of Brockville, Esquire; praying remuneration for
his services in taking the Census in the years 1848 and 1850, and also that
measures be adopted for restoring his income as Clerk of the Peace for the Unit-
ed Counties of Leeds and Grenville to its former amount.

Of the Municipal Council of the United Counties of Leeds and Grenville; pray-
ing for a certain amendment to the Municipal Corporations Act.

Of Jonathan Bartlett and others, of the Township of Whitby; praying that no
alteration be made in the Bill to alter the Territorial Divisions of Upper Can-
ada in so far as it relates to the County Town of the proposed new County to
be formed from the eastern section of the County of York, or otherwise that the

(131)

said County Seat may be decided by the vote of the tax-payers affected thereby.

Of Thomas P.S. Brown, Esquire, and others, of Saltfleet, and other Townships,
in the County of Wentworth; praying that the vested interests of the Clergy of

the various Religious Denominations of Christians in the Province, acquired by the Act of settlement of 1846, may be so respected as to prevent any further legislation on the subject of the Clergy Reserves.

Petition referred.

Ordered, That the Petition of the Mayor, Aldermen, and Councilmen of the City of Toronto, be referred to the Standing Committee on Railroads and Telegraph

Lines.

Orders called.

The Honorable Mr. Sherwood moved, seconded by Mr. Malloch, and the Question being put, That the Orders of the Day be now called; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Chabot, Duchesnay, Flint, Fournier, Lacoste, LaTerrière, Sir Allan N. MacNab, Malloch, Merritt, Price, Robinson, Sanborn, Seymour, Sherwood of BROCKVILLE, and Sherwood of TORONTO.--(19.)

NAYS.

Messieurs Armstrong, Baldwin, Bell, Fortier, Fourquin, Guillet, Hall, Laurin, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, McFarland, Polette, Ross, Sauvageau, Stevenson, Taché, and Wilson.--(19.)

And the Votes being equally divided; Mr. Speaker gave his casting Vote in the Affirmative.

Toronto School of Medicine Bill.

And the Order of the day for the second reading of the Bill to incorporate the Toronto School of Medicine, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Ragland's Naturalization Bill.

The Order of the day for the second reading of the Bill to naturalize Milton Ragland, and to enable him to inherit certain Lands in this Province, and for other purposes, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Sault Ste. Marie Canal Bill.

The Order of the day for the second reading of the Bill to incorporate the Sault Ste. Marie Canal Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Montreal Marine Mutual Insurance Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Marine Mutual Insurance Company of Montreal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Western Assurance Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Western Assurance Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Dartnell's Attorney Bill.

The Order of the day for the second reading of the Bill to authorize the Courts of Queen's Bench, Common

Pleas, and of Chancery, in the Province of Canada, to admit Edward Taylor Dartnell to practise as an Attorney and Solicitor therein, being read;

The Honorable Mr. Robinson moved, seconded by Mr. Boulton of Toronto, That the Bill be now read a second time;

Mr. Wilson moved in amendment to the Question, seconded by Mr. Solicitor General Drummond, That the word "now" be left out, and the words "this day six months" added at the end thereof;¹

MR. WILSON: If legal gentlemen from the mother country were to be admitted to practice, let some general law be proposed that should be applicable in all cases. Some general regulations were necessary to protect the profession and the public.²

MR. SOL. GEN. MACDONALD, MR. MACKENZIE, MR. SOL. GEN. DRUMMOND, DR. NELSON, and others, also opposed the bill.³

MR. W. BOULTON, MR. MERRITT, MR. COM. CR. LANDS PRICE, COL. PRINCE, and others, supported it; lawyers they argued, should not be excluded, while shoemakers were admitted.⁴

MR. ROBINSON said if it would meet the objections of members, he would insert a clause, requiring Mr. Dartnell to undergo the most searching examination.⁵

(131)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Solicitor General Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, LaTerrière, Letellier, Lyon, Solicitor General Macdonald, Mackenzie, Malloch, Méthot, Mongenais, Morrison, Nelson, Polette, Ross, Sanborn, Stevenson, Taché, and Wilson.--(32.)

NAYS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Cayley, Christie, Dickson, Johnson, McConnell, Merritt, Meyers, Papineau, Price, Prince, Robinson, Seymour, Smith of DURHAM, and Smith of WENTWORTH.--(17.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

McCarthy's
Attorney Bill.

The Order of the day for the second reading of the Bill to authorize the Courts of Common Law and Equity in Upper Canada, in their discretion, to admit D'Alton McCarthy to practise as an Attorney and Solicitor therein, being read;

The Honorable Mr. Robinson moved, seconded by Mr. Boulton of Toronto, and the Question being proposed, That the Bill be now read a second time;

Mr. Wilson moved in amendment to the Question, seconded by Mr. Hopkins, That the word "now" be left out, and the words, "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Baldwin, Cameron of CORNWALL, Cartier, Cauchon, Chabot, Solicitor General Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hall,

Hinks, Holmes, Hopkins, Jobin, LaTerrière, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, Malloch, McFarland, Méthot, Mongenais, Morrison, Nelson, Polette, Ross, Sanborn, Sherwood of TORONTO, Stevenson, and Wilson.-- (34.)

NAYS.

Messieurs Badgley, Bell, Christie, Dickson, McConnell, Merritt, Meyers, Papineau, Price, Prince, Robinson, Seymour, Smith of DURHAM, and Smith of WENTWORTH.--(14.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Hamilton Court
House Square
Bill.

The Order of the day for the second reading of the Bill to authorize the Municipal Council of the United Counties of Wentworth and Halton to dispose of a part of the present Court House Square, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

St. Lawrence
School of
Medicine Bill.

The Order of the day for the second reading of the Bill to incorporate the St. Lawrence School of Medicine of Montreal, being read;

(132)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Gould and Sons
Naturalization
Bill.

The Order of the day for the second reading of the Bill to naturalize Ira Gould and others, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bill relating to
Ottawa Street
In Cayuga.

The Order of the day for the second reading of the Bill to close up part of Ottawa Street in the Village of Cayuga, being read;

The Bill was accordingly read a second time and referred to the Standing Committee on Miscellaneous Private Bills.

Church of
England
Society Bill
(L.C.).

The Order of the day for the second reading of the Bill to provide for the establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of

the Diocese of Quebec, being read;

The Bill was accordingly read a second time.

The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Sherwood, and the Question being proposed, That the Bill be referred to the Standing Committee on Miscellaneous Private Bills;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. McFarland, That all the words after "to" to the end of the Question be left out, in order to add the words, "a Select Committee of seven Members, with instructions to prepare and report a general measure alike for all religious bodies whatever, embracing the following provisions, viz.: 1. That all religious bodies whatever shall hereafter alike enjoy equal civil and religious rights and privileges in form and substance: 2. That they shall all alike enjoy, in the same

manner and to the same extent, land and freehold for places of public worship, residences for Ministers, and burying grounds: 3. That they shall all alike, in the same manner and to the same extent, and under the said provisions, obtain Licenses to marry: 4. That all existing Acts touching the matters aforesaid, inconsistent with the equalization intended by this Act, be repealed and become void: 5. That all civil, religious or ecclesiastical rights and privileges, under whatever authority now claimed by one Church, and not expressly tended to and enjoyed equally by all others, be repealed and rendered void: 6. That for the registration of births, marriages and deaths, for legal and statistical purposes, there shall be a general uniform law applicable alike to all religious denominations" instead thereof;⁶

MR. INSP. GEN. HINCKS read from an United States publication, to show that Corporations precisely like this one now under consideration, were constantly erected by the Legislatures of the several States.⁷ Several religious bodies in Upper Canada had power to hold an unlimited quantity of land.⁸ He knew he was giving an unpopular vote as far as respected many members of the party with whom he had been in the habit of acting. Nevertheless he felt bound to vote for a measure which was no more than a mere act of justice; and he thought no one really a friend of civil and religious liberty would vote against it.⁹ He would now refer to a slanderous attack published in the Toronto Examiner of this day, in reference to the vote he had given¹⁰ [and] to the remarks which he had made the other evening.... The Examiner newspaper ... had declared that he had announced the intention of forming some coalition with¹¹ different parties of this House.¹² This he repeated¹³ most emphatically¹⁴ was false and slanderous; he had said nothing of the kind.¹⁵ On the contrary, he pointed out the position, as he conceived, of parties in this country, and in this legislature. He said there was a combination of parties belonging to Upper Canada with whom he had been in the habit of acting, and parties in Lower Canada with whom he had acted¹⁶ by which combination the present Government was supported; --that this state of things could only exist by mutual concessions;--and that there were principles which must be maintained for the people of Lower Canada, who, belonging as they did to a religious body whose policy was to have these corporations, would insist on their having them still. He had said also that it was but justice that they should [have] them, notwithstanding his own opinion was opposed to them. He had said also, that if there was not this mutual concession, it was clear what must happen--that the present combination could no longer exist--that if after the elections, the opinions of the member for Haldimand prevailed so as to break up this combination, he would be prepared to abandon his place; and he would then be ready to support any Government prepared to carry out great constitutional principles. He concluded by showing that a great number of religious societies known as Dissenters in Upper Canada, had power to hold an unlimited quantity of land.¹⁷

MR. COM. CR. LANDS PRICE and MR. MORRISON took an opportunity of stating that they were in favour of the propositions contained in the amendment; but they did not feel themselves justified in supporting them in their present form, which they thought only calculated to obstruct the business of the House.¹⁸

MR. COM. CR. LANDS PRICE said the hon. member for Haldimand had taken the wrong course of opposing the Bill at its present stage, as it had already passed its second reading.¹⁹

MR. MORRISON was also opposed to the Bill but could not vote for the amendment as it was not brought in so as to have the effect of meeting the objectionable clause in the Bill.²⁰

MR. SANBORN spoke to the same effect²¹. [He] was sorry the hon. member for Haldimand had taken such a course upon this Bill. He had introduced amendments, some of which many members can have no objection to, particularly where he desires that all churches should have equal religious liberty.²² With regard to the two acts relating to the Church of England in Lower Canada, they contained only two clauses to which he could see the slightest objection. One of these was the clause making the Bishop a corporation sole, and the other, that which gave power to hold an unlimited quantity of land.²³ He could not vote for the motion in the present form.²⁴

Some remarks [came] from MR. J. CAMERON, the hon. member for Cornwall²⁵.

(132)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Mackenzie and McFarland.--(2.)

NAYS.

Messieurs Armstrong, Badgley, Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Dickson, Duchesnay, Dumas, Fergusson, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Letellier, Solicitor General Macdonald, Malloch, McConnell, Merritt, Méthot, Meyers, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Robinson, Sanborn, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Taché, and Wilson.--(47.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Cameron of CORNWALL, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Dickson, Duchesnay, Dumas, Fergusson, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Letellier, Solicitor General Macdonald, Malloch, McConnell, Merritt, Méthot, Meyers, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Robinson, Sanborn, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Taché, and Wilson.--(47.)

NAYS.

Messieurs Mackenzie, and McFarland.--(2.)

So it was Resolved in the Affirmative.

Maskinongé
Common Bill.

The Order of the day for the second reading of the Bill to revive and amend the Act relating to the Common of Maskinongé, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Stipendiary
Magistrates.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 12th ultimo, praying His Excellency to cause to be laid before the House, a Tabular Return of the Stipendiary Magistrates appointed by the Government in this Province,

shewing the date of their respective appointments, the salaries and other emoluments received by each, the authority under which they have been respectively appointed, and the fund or other source whence their salaries and other emoluments are paid.

Appendix (F.F.)

For the said Return, see Appendix (F.F.)

Ottawa Works.

And also, Supplementary Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 15th February, 1849, praying His Excellency to cause to be laid before the House, a Return shewing the names, dates of appointment, salaries and duties of all Officers now employed on the Ottawa River and its tributaries in the collection of the Timber Duties, and in the management of Crown Lands connected with the said offices; and, also, the names, dates of appointment, salaries and duties of all Officers now employed at the City of Quebec for the like purposes; also, the names, dates of appointment, salaries and duties of all persons now employed in the management or superintendence of the Ottawa Works; also, a Statement, in detail, of the expenditure upon the Ottawa Works, the amount expended for their original construction, the sums paid for their repair, the losses sustained by errors in their construction (if any,) and all sums paid to Engineers, Mechanics, and Labourers employed immediately by the Board upon the said Works, with the names, dates, and amounts paid to each, in detail; and also, a Statement of all sums received for Tolls, or otherwise, from the Ottawa Works, the amount in detail, and as received from each work separately.

Appendix (G.G.)

For the said Supplementary Return, see Appendix (G.G.)

Stipendiary
Magistrates.

Ordered, That the Return relative to Stipendiary Magistrates, be printed for the use of the Members of this House.

(133)

Woodstock and
Lake Erie
Railway Bill.

The Order of the day for the second reading of the Bill to amend the Charter of the Woodstock and Lake Erie Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

A. Thompson's
Road Allowance
Bill.

The Order of the day for the second reading of the Bill to vest a certain allowance for Roads in the Township of Woodhouse, in the County of Norfolk, in Andrew Thompson, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bill relating to
a By-Law of Peter-
borough Municipal
Council.

The Order of the day for the second reading of the Bill to indemnify the Municipal Councillors of the County of Peterborough, and others, for acts done under a certain By-Law of the Municipal Council of the said County which was afterwards quashed, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

St. John's Church
(Peterborough)
Endowment Bill.

The Order of the day for the second reading of the Bill to provide for the sale of a portion of the endowment of St. John's Church in the Town of Peterborough, being read; 26

MR. HALL moved the second reading of the bill²⁷.

MR. MACKENZIE objected to the bill.²⁸ He came to the House for the very purpose of opposing measures he did not understand. The Rectories were got in a dishonest way²⁹ and he would oppose such sales.³⁰ The House should know how much of the Rectory was to be sold.³¹

MR. HALL briefly explained the reason why the sales should be authorized.³² At the time the ground was got for the Church, the land was not all used and several lots were leased. These leases had run out, and the parties wished to purchase; and the church being in debt, they considered the parties wishing to purchase these lots, may be allowed to do so.³³ The bill was only a simple act of justice.³⁴

MR. RICHARDS said the question was, how far they had the right to permit parties to dispose of any part of the Rectories. He would wish that an addition be put to the bill to prevent it from being stated whether this House consider the power to dispose of the Rectories is legal or illegal.³⁵

MR. CAMERON conceived if this were a part of Rectories, the Church Wardens have no power to ask an alienation of any part of a Rectory, seeing that the Rector has only a life interest in it. He wished to know whether that land was not set apart separately for the purpose of building a church, and had no connexion with the Rectory.³⁶

COL. PRINCE said if he understood the bill it was to sell part of the Rectory to pay part of the debt of the church. He would like to know how these debts were created.³⁷

MR. SOL. GEN. MACDONALD did not think the House should refuse to do an act of justice to a congregation so situated as this church in Peterborough. He thought it would be hard to prevent their being allowed to get out of their debt, as that portion of land was given them before the patent for the Rectory was given.³⁸

MR. CAMERON said if the land was given for building a church previous to the granting of the Rectory, he had no objection to the second reading. But he was desirous not to do anything that would tend to an admission on his part that they had a right to interfere or alienate these Rectories.³⁹

MR. SHERWOOD believed that this was a lot set apart for a church long before the Rectories were established, and therefore they could interfere. But although it was a Rectory, government had a right to interfere for the relief of these parties, upon the representation of the Rector and Church wardens, not to deprive them of their property, but to allow them to dispose of part of it for their relief.⁴⁰

The motion was⁴¹ then⁴² carried⁴³ without a division.⁴⁴

(133)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Lake Superior
and Pacific
Railroad Bill.

The Order of the day for the second reading of the Bill to incorporate the Lake Superior and Pacific Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Yamaska
Common Bill.

The Order of the day for the second reading of the Bill to revive the Act authorizing the Inhabitants of

the Seigniority of Yamaska to regulate the Common of the said Seigniority, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Montreal,
Ottawa and
Kingston Rail-
road Bill.

The Order of the day for the second reading of the Bill to incorporate the Montreal, Ottawa, and Kingston Grand Trunk Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and

Telegraph Lines.

Orphans Home and
Female Aid Society
Bill.

The Order of the day for the second reading of the Bill to incorporate the Orphans' Home and Female Aid Society of Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Toronto House
of Industry
Bill.

The Order of the day for the second reading of the Bill to incorporate the House of Industry of Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Fort Erie and
Buffalo Sus-
pension Bridge
Bill.

The Order of the day for the second reading of the Bill to incorporate the Fort Erie and Buffalo Suspension Bridge Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous

Private Bills.

Church Society
Bill.

The Order of the day for the second reading of the Bill to provide for the establishment of a Church Society for each of the Dioceses of Quebec and Montreal,

being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Toronto School
of Medicine Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate the Toronto School of Medicine,"

being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Montreal Firemens'
Benevolent Asso-
ciation Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Montreal Firemens' Benevolent Association, being read;

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time to-morrow.

Montreal Corpo-
ration Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal,

and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Cartier, Mr. Solicitor General Drummond, the Honorable

Mr. Badgley, Mr. Holmes, Mr. Dumas, Mr. Jobin, and Mr. Mongenais, to report thereon with all convenient speed.

Manufactures
Encouragement
Bill.

The Order of the day for the second reading of the Bill for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Toronto and
Guelph Rail-
way Bill.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act for incorporating the Toronto and Goderich Railway Company," and to continue the same as amended, under the name of

"The Toronto and Guelph Western Extension Railway Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads and Telegraph Lines.

Grand River
Navigation
Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Grand River Navigation Com-
pany to raise by way of loan, a certain sum of money,

and for other purposes therein mentioned," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Orders
deferred.

Mr. Cauchon moved, seconded by Mr. Smith of Durham, and the Question being put, That the remaining Orders of the day be postponed until to-morrow; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Bouthillier, Cauchon, Christie, Flint, Holmes, Lyon, Solicitor General Macdonald, Mackenzie, Richards, Sauvageau, Smith of DURHAM, Smith of WENTWORTH, and Wilson.--(15.)

(134)

NAYS.

Messieurs Cameron of CORNWALL, Chabot, Fergusson, Fourquin, Hopkins, Jobin, Lacoste, LaTerrière, Laurin, Méthot, Mongenais, Papineau, and Sherwood of BROCKVILLE.--(13.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Cauchon, seconded by Mr. Richards,
The House adjourned.

FOOTNOTES: 2 JULY 1851.

1. The debate on this matter was reported in identical accounts by: GLOBE, 5 July 1851, and NORTH AMERICAN (Weekly), 11 July 1851.
2. GLOBE, 5 July 1851.
3. IBID.
4. IBID.
5. IBID.
6. The debate on this matter was reported in identical accounts by: BRITISH COLONIST, 4 July 1851, MONTREAL GAZETTE, 8 July 1851, PILOT, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; MONTREAL GAZETTE, 4 July 1851, and LA MINERVE, 5 July 1851. The debate was reported in partially identical accounts by: GLOBE, 5 July 1851, and NORTH AMERICAN (Weekly), 11 July 1851. The debate was also reported by MONTREAL GAZETTE, 7 July 1851.
7. BRITISH COLONIST, 4 July 1851.
8. MONTREAL GAZETTE, 7 July 1851.
9. BRITISH COLONIST, 4 July 1851.
10. GLOBE, 5 July 1851.
11. BRITISH COLONIST, 4 July 1851.
12. GLOBE, 5 July 1851.
13. BRITISH COLONIST, 4 July 1851.
14. GLOBE, 5 July 1851.
15. BRITISH COLONIST, 4 July 1851.
16. GLOBE, 5 July 1851.
17. BRITISH COLONIST, 4 July 1851.
18. IBID.
19. GLOBE, 5 July 1851.
20. IBID.
21. BRITISH COLONIST, 4 July 1851.
22. GLOBE, 5 July 1851.
23. BRITISH COLONIST, 4 July 1851.
24. GLOBE, 5 July 1851.
25. IBID.
26. The debate on this matter was reported in identical accounts by: BRITISH COLONIST, 4 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, and NORTH AMERICAN (Weekly), 11 July 1851.
27. BRITISH COLONIST, 4 July 1851.
28. IBID.
29. GLOBE, 5 July 1851.
30. BRITISH COLONIST, 4 July 1851.
31. GLOBE, 5 July 1851.
32. BRITISH COLONIST, 4 July 1851.
33. GLOBE, 5 July 1851.
34. BRITISH COLONIST, 4 July 1851.
35. GLOBE, 5 July 1851.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. BRITISH COLONIST, 4 July 1851.
42. GLOBE, 5 July 1851.
43. BRITISH COLONIST, 4 July 1851.
44. GLOBE, 5 July 1851.

THURSDAY, 3 JULY 1851.

(134)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Sir Allan N. MacNab,--The Petition of William P. McLaren and others, of the City of Hamilton; and the Petition of John R. Holden, Esquire, Mayor, on behalf of a public meeting of the Citizens of Hamilton.

By Mr. Boulton of Toronto,--The Petition of John Coppins, late a Keeper in the Provincial Lunatic Asylum at Toronto.¹

MR. W. BOULTON presented a petition from Wm. Coppin,² lately a Keeper in the Lunatic Asylum,³ praying for inquiry into the management of the Provincial Lunatic Asylum. The petitioner set forth three charges against Dr. Scott, the Medical Superintendent [*sic*]: 1st, that when Mr. Wetenhall was labouring under a wound received from a fellow lunatic, Dr. Widmer, one of the directors,⁴ in Dr. Scott's absence⁵, left a message ... that⁶ it would be proper to incise the diseased part⁷ and that when this direction was communicated to Dr. Scott, he replied, "Pooh!--the old fool, what does he know about it," 2d, that 15 deaths had taken place in the Asylum in a very short period, and that at Coroners' inquests on some of these persons, Dr. Scott declined to give evidence till he received a fee of £1 1s as a medical man,⁸ which course he persisted in⁹ and only gave in when threatened¹⁰ by the Coroner with committal for contempt. Thirdly--that a certain female patient was brought to the Asylum as a person very likely to commit suicide; notwithstanding which warning she¹¹ had been allowed to sleep by herself in a room with a four post bedstead, on which she hung herself.¹² At the same time the hon. gentleman expressed his regret that he should have been the medium of conveying to the House such serious charges against an individual for whom he had hitherto entertained the highest respect, and whose abilities he had always heard most highly spoken of, but he could not neglect his duty and refuse to present it, especially as it referred to a public institution in which a general interest must always be manifested; the petition, he apprehended, was put into his hands in consequence of the opposition made by the Government to the address moved a few days ago; and he sincerely trusted no time would now be lost in laying the return asked for upon the table.¹³

(134)

By the Honorable Mr. Sherwood,--The Petition of the Honorable Archibald McLean, of the City of Toronto.

By Mr. Holmes,--The Petition of the Montreal Board of Trade; the Petition of E.M. Leprohon, Esquire, and others; and the Petition of A.F. Holmes, Esquire, M.D., and others, the Medical Faculty of McGill College.

By Mr. Wilson,--The Petition of Neil Munro and others, of the Townships of Mosa and Aldbrough.

By Mr. Morrison,--Two Petitions of the Municipal Council of the County of York.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of Joseph Beausoleil and others, of the Parish of St. Félix de Valois, County of Berthier; praying for the repeal of the Education Law of Lower Canada, and the enactment of a Law better suited to the wants of the people.

Of James Carpenter and others, of the Village and vicinity of Demorestville, County of Prince Edward; praying that the number of Pupils required by Law to be in attendance at the Grammar School in the said Village may be reduced.

Of F. X. Ponsant, Esquire, and others, Censitaires, of the Parish of St. François d'Assise, County of Dorchester; praying the adoption of measures for defining the rights of Seigniors, and to abolish the Seigniorial Tenure in Lower Canada.

Of Francis M. Hill, Esquire, Mayor, and others, of the City of Kingston; and of W. Eston, Esquire, Captain, Royal Artillery, on behalf of a public meeting of the Inhabitants of the City of Kingston; praying for the adoption of measures to abolish labor on the Lord's Day in the Postal Department of the Public Service.

Of Eli Gorham and others, of Upper Canada; praying for the passing of an Act to restore to the people of Upper Canada the advantages of Medical toleration, or otherwise to relieve from penal liabilities those Botanic or other practitioners who hold diplomas or certificates from a regularly organized Board of their own Medical Sect.

Of Thomas Mossington, Esquire, and others, of the Township of Georgina, County of York; praying that should a division be made, as proposed, of the said County, the said Township may be included in the west half thereof.

Of the Municipality of the Township of Wainfleet; praying for the passing of an Act to authorize the said Municipality, or such other Corporation within the County of Welland as may desire it, to purchase a tract of land in the said Township, known as "The Great Cranberry Marsh," for the draining and improvement thereof.

Of the Municipality of the Township of Crowland; praying that the Rectory and Clergy Reserve Lands may be finally appropriated to purposes of general Education.

Of James R. Laing, Landowner in the Township of Melbourne, Lower Canada; representing that he has been illegally charged a certain amount for Duty upon Agricultural Seeds imported by him for the improvement of Agriculture in Lower Canada,--and praying for repayment thereof, and that the Law with regard to such Duty be explained.

Of the Honorable Peter McGill and others, of the City of Montreal; and of the Reverend Robert McGill, Chairman, and others, the Protestant Board of School Commissioners of the City of Montreal; praying for certain amendments to the Education Law of Lower Canada.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Emigrant Act
Amendment Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intitled, "An Act to provide for the commutation of certain Bonds required under the Emigrant Act," without any Amendment.

And then he withdrew.

Petition of
L. Wilcox.

Mr. Mackenzie moved, seconded by Mr. Smith of Wentworth, and the Question being put, That the Petition of Leonard Wilcox, of the City of Toronto, praying indemnity for the loss of a sailing Vessel and certain property seized by the Collector of Customs for the Port of York, (now Toronto,) in the year 1815, be referred to the Committee of Supply;¹⁴

... with instructions to report an Address to His Excellency in favour of the petitioner's claim.¹⁵

MR. INSP. GEN. HINCKS opposed the motion; if the goods were seized legally, Wilcox¹⁶ had no right to complain though he might feel that he had suffered a

hardship.¹⁷ On the other hand, if they were illegally seized, Col. Allen, the then collector, and a gentleman of substance, was responsible for misconduct.-- Nearly 40 years had elapsed since the affair occurred.¹⁸

MR. MACKENZIE did not pronounce any judgment on the case; all he demanded was an enquiry.¹⁹

(134)

It passed in the Negative.

MR. MACKENZIE only ... [stood] up to vote in its favour.²⁰

(134)

Petition of
L.C. Macaire.

*Ordered, That the Petition of Louis Cyrus Macaire,
Hotel-Keeper, be printed for the use of the Mem-
bers of this House.*

Eastern
Townships.

*Ordered, That the Petition of the Reverend N.A. Leclerc
and others, of the Township of Lambton, and other
Townships, be referred to the Select Committee ap-
pointed to enquire into the causes which prevent or retard the settlement of
the Eastern Townships in the Districts of Three Rivers, St. Francis, and Quebec.*

Territorial
Divisions.

*Ordered, That the Petition of Eli Gorham and others, of
Upper Canada, be referred to the Committee of the
whole House on the Bill to make certain alterations
in the Territorial Divisions of Upper Canada.*

Petitions
referred.

*Ordered, That the Petition of J.G. Bowes, Esquire, and
others, of the City of Toronto; and the Petition of
William P. Howland and others, of the Townships of
York and Etobicoke, be referred to the Standing Committee on Railroads and
Telegraph Lines.*

*Ordered, That the Petition of Thomas Fergusson and others, of the 8th Concession
of the Township of Edwardsburgh; the Petition of the Montreal and Vermont
Junction Railway Company; the Petition of Joseph Bettes, Esquire, and*

(135)

*others, of the Townships of Cramahe and Murray; and the Petition of the Rev-
erend Enoch Wood and others, of the City of Toronto, Clergymen of the
Wesleyan Methodist Church in Canada, be referred to the Standing Committee
on Standing Orders.*

Twelfth Report
of Committee on
Standing Orders.

*The Honorable Mr. Sherwood, from the Standing Commit-
tee on Standing Orders, presented to the House the
Twelfth Report of the said Committee; which was read, as
followeth:--*

*Your Committee have examined the Petitions of C.H. Waterous for an Act of
naturalization, and of Archibald Campbell and others for incorporation of the
Quebec Music Hall Association, and do not consider that notice is necessary in
either case.*

Petit Jurors
Payment Bill,
(U.C.).

*Mr. Wilson reported from the Select Committee on the
Bill to provide for the payment of Petit Jurors in Upper
Canada, That the Committee had gone through the Bill,
and made amendments thereunto.*

*Ordered, That the Bill and Report be committed to a Committee of the whole House,
for Monday next.*

Third Report of
Committee on
Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the said Company, and have agreed to report the same without any amendment.

They have also examined the following Bills, and have made certain amendments to each of them, which they respectfully submit for the consideration of Your Honorable House, viz:--

Bill to incorporate the Orphans' Home and Female Aid Society of Toronto.

Bill to incorporate the House of Industry of Toronto.

Bill to incorporate the Canada Guarantee Company.

British America
Assurance Bill.

Ordered, That the Bill to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the said Company, be engrossed, and read the third time to-morrow.

Canada Guar-
antee Company
Bill.

Ordered, That the Bill to incorporate the Canada Guarantee Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Orphans' Home
and Female Aid
Society Bill.

Ordered, That the Bill to incorporate the Orphans' Home and Female Aid Society of Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for

to-morrow.

Toronto House
of Industry
Bill.

Ordered, That the Bill to incorporate the House of Industry of Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

Ingrossing and
Inrolling Bills.

Ordered, That the Message of His Excellency the Governor General relating to the Ingrossing and Inrolling of Bills, and the accompanying documents,

laid before the House on Monday last, be printed for the use of the Members of this House.

Dower Bill.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to facilitate the barring of Dower by married women in Upper Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Toronto and Guelph
Railway Bill.

Ordered, That the Seventy-fourth Rule of this House be suspended, as regards the Bill to amend an Act, intituled, "An Act for incorporating the Toronto and Goderich Railway Company," and to continue the same as amended, under the name of "The Toronto and Guelph Western Extension Railway Company", and also the Bill to revive and continue the Act of Incorporation of the Toronto and Lake Huron Railroad Company.²¹

Toronto and Lake
Huron Railroad
Bill.

MR. J. CAMERON moved that the petition of J.G. Bowes, Esq., Mayor of Toronto, and others, praying for amendments to the act incorporating the Toronto and Goderich Railroad Company; and of W.P. Howland, and others, praying for amendments to the act incorporating the Toronto and Goderich Railroad Company, and that the Charter of the Toronto and Lake Huron Railroad Company may not be revived--to the Committee on Railways, &c., with instructions to consider the said petitions before reporting upon the Bill for revival of the act of incorporation of the Toronto and Lake Huron Railroad Company.²²

MR. H. SHERWOOD opposed the motion, on the ground that the Railway Committee should be left untrammelled in their judgment, in the disposal of the matters referred to in the petitions.²³ He objected to give particular instructions to the Committee in reference to these particular railroads.²⁴

MR. J. CAMERON consented to strike out the instruction: and the motion, thus amended, was agreed to.²⁵

(135)

Parishes
Erection Bill,
(L.C.).

Ordered, That Mr. Scott of Two Mountains have leave to
bring in a Bill to provide for the erection of
Parishes for Civil purposes only in certain parts
of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Law of Evi-
dence Bill,
(L.C.).

Ordered, That the Honorable Mr. Badgley have leave to
bring in a Bill to improve the Law of Evidence in
Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating
to Toll Gates
in Cities, &c.

Ordered, That Mr. Boulton of Toronto have leave to
bring in a Bill to prohibit the erection of any
Toll-Gate or Toll-Bar which may intercept the
free passage of the inhabitants of Cities, Towns
or Villages within this Province in passing from one portion of such Cities,
Towns or Villages to other portions of the same Cities, Towns or Villages
respectively.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Agricultural
Societies (U.C.)
Organization Bill.

Ordered, That the Honorable Mr. Price have leave to
bring in a Bill to provide for the better organi-
zation of Agricultural Societies in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Bill to enable
certain Married
Women to convey
Real Estate.

Ordered, That Mr. Price have leave to bring in a Bill
to enable Married Women resident in foreign coun-
tries, to convey Real Estate of which they are
seized in the Province of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Quebec Bank Bill.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill to reduce the number of Directors of the Quebec Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

(136)

Monday next.

Bill relating to the payment of Mechanics.

Ordered, That Mr. Boulton of Toronto have leave to bring in a Bill to prohibit the payment of Mechanics and Artificers in certain Trades, of wages in goods, or by way of truck, or otherwise than in the current

coin of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Clergy Reserves.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 5th June last, praying that His Excellency will be pleased to cause to be laid before the House, a Return, in continuation of the Return sent down to this House by the Provincial Secretary on the 9th April, 1849, of all the receipts and expenditure of the Clergy Reserve monies or funds in Upper and Lower Canada, in detail, up to as recent a period as the records of the Public Offices may enable the accounting Officers to make; the said Return to shew the expenditure, with the particulars of each outlay, for 1849 and 1850, including payments, if any, for 1848, necessarily omitted in the Statement of April, 1849, --the Salaries and Pensions paid to Missionaries of the Church of England, and their widows, in both Canadas, as per Imperial Statute 3 & 4 Vic. cap. 78, --the Allowances paid to Ministers of the Synod of the Church of Scotland, and late United Synod of the Presbyterian Church of Upper Canada, under the same authority; also, the Salaries of Wesleyan Methodist Missionaries, and all sums paid to or for the use of the Roman Catholic Church, and other denominations, and to whom and for whom paid, in both Canadas; the state of the Clergy Reserve fund or funds appropriated to the United Church of England and Ireland in the Canadas, since the 13th March, 1848, as administered by the Society for the Propagation of the Gospel in foreign parts; the monies received out of the revenue fund derived from the Lands reserved for the Clergy of the Church of England in Lower Canada since January, 1847, with the expenditure down to the early part of 1848, that is, since the dates included in the last Return to this House; the like account as to all other Clergy Reserve Lands in Lower Canada. The Return to shew, also, what balances there are of monies received out of the Clergy Reserve funds, and where deposited, and whether the Banks or other depositaries are paying interest on the said balances, and, if so, what sums have been so paid; the receipts from Lands sold or rented, the principal and interest on sales, the charges of management and to whom paid, and the disbursements.

Appendix (H.H.)

For the said Return, see Appendix (H.H.)

On motion of Sir Allan N. MacNab, seconded by Mr. Prince,

Dr. W. Rees.

Ordered, That the Entry in the Journal of this House of the 3rd June, 1850, relating to the Petition of William Rees, Esquire, late Medical Superintendent of the Provincial Lunatic Asylum at Toronto, praying compensation for his services in promoting and bringing into operation the said Asylum, be now read.

And the same was read accordingly.²⁶

SIR A. MACNAB moved its reference.²⁷

MR. INSP. GEN. HINCKS said that this case ought to be considered settled. It was referred in 1846 to a committee, who reported that it was not a case for pension, but that a sum of money should be paid the doctor in full of all demands. That sum²⁸ had been paid²⁹ and it was too much to come before the House again.³⁰

SIR A. MACNAB said Dr. Rees had received a serious injury in the execution of his duty as Superintendent of the Lunatic Asylum, and that this rendered him quite incapable of³¹ prosecuting³² his profession. Such injury, therefore, could not be compensated by a sum of £100. The report proceeded on the ground that it was not shown that the doctor had been rendered incapable of professional pursuits for life.³³ He read several certificates, and considered that as these recommendations were from the highest sources, it was too much to say that the Dr. would not get a committee to inquire into the nature of the case and report to the government.³⁴

MR. INSP. GEN. HINCKS said it involved the principle that a person who takes charge of any of the Public Institutions of the Province should be taken care of for life. He was not prepared to admit this principle.³⁵

MR. CAYLEY urged the appointment of a committee.³⁶

COL. PRINCE explained that during the time the Dr. had charge of the Asylum, he received a blow, and was consequently disabled and prevented from following his profession. He therefore differed with the Hon. Inspector General. He considered the Dr. had a peculiar claim upon the government. When that establishment was opened, and the officers provided, some way or other Dr. Rees was left out, and for this reason he thought the Dr. should at least have a committee of inquiry.³⁷

MR. INSP. GEN. HINCKS at length consented to a Committee if named by the House³⁸.

It was named accordingly.³⁹

(136)

Resolved, That the said Entry be referred to a Special Committee of five Members, to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Sir Allan N. MacNab, Mr. Nelson, Mr. Bouthillier, Mr. Prince, and Mr. Ross, do compose the said Committee.

Bytown and Prescott Rail-way Bill.

Ordered, That Mr. Burritt have leave to bring in a Bill to amend the Act incorporating the Bytown and Prescott Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to the Boundaries of certain Counties.

Ordered, That Mr. Christie have leave to bring in a Bill to define more accurately the Boundaries which separate the Counties of Sherbrooke, Drummond and Megantic.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

On motion of Mr. Cauchon, seconded by the Honorable Mr. Chabot,

Quebec Marine and Emigrant Hospital.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence between the Government, the Board of Trade, Dr. James Douglas, the Commissioners, House Surgeon, and Visiting Physicians of the Quebec Marine and Emigrant Hospital, and other parties, touching the management of the said Establishment.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Hunting and Game Bill.

Ordered, That Mr. Taché have leave to bring in a Bill for the regulation of Hunting and the preservation of Game.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Bill relative to claims against Owners of Vessels.

Ordered, That Mr. McFarland have leave to bring in a Bill to make better provision for the collection of claims against the Owners of Vessels in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill to abolish Special Demurrers.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to abolish Special Demurrers, and otherwise to amend the practice of the Law in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Bill relating to Notaries.

An engrossed Bill to amend a certain Act passed in the twelfth year of Her Majesty's Reign, relating to Notaries, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Lacoste do carry the Bill to the Legislative Council, and desire their concurrence.

Montreal Firemens' Benevolent Association Bill.

An engrossed Bill to amend the Act incorporating the Montreal Firemens' Benevolent Association, was, according to Order, read the third time.

Resolved, That the Bill do pass.

(137)

Ordered, That Mr. Cartier do carry the Bill to the Legislative Council, and desire their concurrence.

Interest of Money
Laws Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

*The Honorable Mr. Sherwood moved, seconded by Mr. Dickson, and the Question being proposed, That the Bill be now read a second time;*⁴⁰

MR. H. SHERWOOD said he had the honour again to bring before the legislature a motion for a modification of the usury laws⁴¹ in Upper Canada.⁴² He said he had frequently brought the measure before the House on previous occasions without success; but⁴³ at no single period had the measure claimed the support of the majority of the House. He trusted this time to meet with more success, and that the majority would accord their approval of the principle contained in the Bill.⁴⁴ He hoped he should now be able to carry it.⁴⁵ Indeed he understood that many gentlemen, since the last discussion, had changed their minds on this subject.⁴⁶ It had become fashionable to taunt members with changing their votes but he hoped this would not prevent those who previously opposed it voting for it now. The question as brought up by his bill was solely confined⁴⁷ in its operation⁴⁸ to Upper Canada, where the mass of the population demanded the modification of the usury laws. Of the 42 members for Upper Canada, only 11 had recorded their votes against it; and he did not believe that number would now be found⁴⁹ to vote against it that night. On all occasions when public meetings had taken place throughout the country, there had been an unanimous expression in favour of the modification of the Usury Laws⁵⁰ and in all the movements that have taken place affecting the great political interests of the country, an invariable opinion had been given that the repeal, or the modification of the Usury Laws is one of the principles upon which they were called to act,--he was confirmed in saying that the modification of the Usury Laws is a measure that will receive three-fourths of the votes of the whole constituencies from Sandwich to Cornwall. He could not close his eyes to the history of the last few years in reference to that question. If the public press is taken as an indication of public opinion, there is not a single paper published in this country representing the political views of any party but has taken a stand for the modification of the Usury Laws. Those papers published in the cities representing the views and opinions of the commercial classes as well as those published in the country, representing the agricultural interests, have come out in the strongest manner in favour of this measure, and arguments that cannot be contradicted are put forth throughout the whole public press of Upper Canada in favour of the proposition he had brought forward. If the press then is taken as the exponent of the public mind, he had the press in his favour; and if the views of the representatives of the people is [sic] an indication of the public mind--and through them is [sic] the only constitutional mode of ascertaining the mind of the people,--then, when he stated that out of the 42 members representing Upper Canada, but 11 had recorded their votes in opposition to this measure, he had a right to say that the people of Upper Canada as a body, demand the modification of the Usury Laws. Was he then to be told that the members for Lower Canada are ignorant of the feelings, and views and opinions of the people of Upper Canada upon the subject?⁵¹ When he stated on a previous occasion that Lower Canada members should not vote on purely Upper Canada questions against the opinions of the Upper Canada members, he was met by the taunt how were they to know how Upper Canada members intended to vote on any question. He would point them to the journals of the last three sessions

where they would see⁵² the names of the majority of the representatives of Upper Canada recorded in its favour. He did not desire to make this an Upper Canada question, for he believed that the advantages to be gained by the country from the modification of these laws are great and important, and he would like to see these benefits extended to Lower Canada as well as Upper Canada. --But when he found a settled determination on the part of the representatives of the Lower Province declaring that they do not want any change--and assuming that they represent the opinions of the people of that Province--he did not want to force this measure upon them. All he wanted was, that they do not by their votes go against the wishes of the majority of the people of Upper Canada in a measure they so much desire. Several persons--some of them now present listening to the proceedings--had asked him if he was again to be defeated in his measure for the modification of the Usury Laws by the votes of the members from Lower Canada. He hoped therefore, that the hon. members would consider the position in which they place themselves by opposing a purely Upper Canada measure. There are three bills before the House. One which he had introduced to modify the Usury Laws to the same extent that they have done in England--to allow all contracts that have not more than a year to run to take any amount of interest which the parties may agree upon among themselves,⁵³ retaining 6 per cent. as the standard when there was no stipulation⁵⁴ and to enforce the payment of that interest. He wished to go one step beyond the law in England⁵⁵ in this particular, that he allowed contracts to be made⁵⁶ [to] lend money upon the security of Real Estate for more than 6 per cent.⁵⁷ but did not permit the higher⁵⁸ specially agreed upon⁵⁹ rate to be enforced⁶⁰ in any court of law⁶¹. The bill of the honorable member for⁶² the City of Montreal only went as far as the first part of his bill, viz: to allow higher interest than 6 per cent to be taken on commercial paper.⁶³ [That] ... bill ... is confined entirely to commercial transactions, and does not enter into loans of money for Real Estate.⁶⁴ The bill of the hon. Mr. Ross⁶⁵ is before the House brought from the Upper House, which provides that parties may give and receive what rate of interest may be agreed upon, but they cannot receive beyond 6 per cent⁶⁶ in any Court.⁶⁷ The question was not now which bill should be preferred⁶⁸, the question was on the second reading of the bill, which involved the principle⁶⁹ simply whether the House would adopt the modification of the usury laws.⁷⁰ After that is tested, he was willing to submit his bill to a special committee that they may alter it so as to meet the views of the whole House.⁷¹ The law of 5 per cent in England had existed long, and the prejudice there in its favour was precisely like that which existed here, till after many efforts Mr. P. Thompson carried the bill for its repeal through the House of Commons, and it soon after passed. It was at first temporary, then permanent; first applied to contracts of not more than three months to run, then extended to contracts with 12 months to run. The principle was⁷² that men must be left to make such bargains in reference to their own affairs, as they thought proper,⁷³ and he thought that the attempt to protect man against himself was an absurdity which could not be carried out,⁷⁴ and it appeared a most extraordinary position, for a Legislature to maintain upon their Statute book a law so destructive to the whole pecuniary interests of the country⁷⁵ and which ... law was daily violated. Was there any consistency in men who were always crying out to allow the people to manage their own public affairs to attempt to deny them the management of their private affairs?⁷⁶ It was absurd ... to say to a man, you shall not give over 6 per cent for money when he knows he can afford to pay it. If he thinks he can make twenty per cent on money, why not let him give ten for it? If he loses he is the sufferer.⁷⁷ He then instanced many examples of the way in which usury was at present taken with the permission of the law--as where the loan was made by means of Bank stock at

a⁷⁸ higher⁷⁹ discount, and he enlarged on the absurdity of refusing to men who could make this arrangement, the power to make an arrangement for the infinitely less injurious rate of seven per cent interest for cash. Money formed no exception to other articles and⁸⁰ like every other commodity, must be regulated by that law of nature which says, the demand must govern the supply, and if the Usury laws were swept away money would become plentiful in the country.⁸¹ If money were scarce, and there were a great demand for it, you will have to give eight or nine percent for it; but, if on the other hand it is plentiful you will get it for three or four per cent. Why was money not plentiful in Canada?⁸² He attributed a great deal of the laxity of our trade and the backwardness of the country⁸³ compared with the United States⁸⁴ to the absurd policy of retaining those obnoxious Usury Laws upon the Statute book.⁸⁵ In New York a capitalist could get seven per cent for his money and one per cent made a wonderful difference in its investment. He said that in Lower Canada when he (Mr. S.) wanted to abolish the Usury Laws in Upper Canada, the hon. member from the County of Quebec objected, on the ground that all the money would go there from Lower Canada. That was just the reason why he wanted the abolition of these laws in Lower Canada.⁸⁶ Every body knows that there is not a day passes, in which this law is not evaded. Thousands of stratagems are resorted to by which parties accomplish their object.⁸⁷ He had been informed by many merchants from Lower Canada, that the habitan [sic] sometimes gave forty bushels of wheat for the value of twenty⁸⁸ [OR] 20s⁸⁹ because he could not borrow money on any other terms. Also that sometimes when a man wanted to borrow a sum of money he⁹⁰ sometimes gave⁹¹ 50 for an old carriage by way of bonus to evade the usury laws. These laws were also evaded by similar means in Upper Canada. He believed that although juries in U.C. respected the laws, that a man who brought a usury suit would be scouted out of court. In the face of all these facts, was it not absurd to retain these laws upon the statute book, as being perfectly useless? Last session four-fifths of the members of Upper Canada had voted for their abolition: and he prayed the House to let the bill⁹² have a second reading. He was willing that it should be referred to a committee, together with the two other bills on the subject, that the details⁹³ in its provisions⁹⁴ might be altered as might be deemed right.⁹⁵

MR. LAURIN objected that there were no petitions⁹⁶ for the change now asked⁹⁷ and there had been no meetings held or resolutions passed⁹⁸ to show that the people were desirous of such a measure.⁹⁹ If he could believe the people of Upper Canada desired it, he should not object to vote for it.¹⁰⁰

MR. CHAUVEAU was sorry that he had to vote against this bill¹⁰¹ not for the reason given by the member for Lotbinière ... but¹⁰² because it applied to Upper Canada only, for he knew that those taunts that had been previously thrown out would be again. The question was whether we should have unlimited interest.¹⁰³ He considered the usury laws as a question of general morality, and he was in their favor [sic]. He would as soon think of abolishing the laws for murder and robbery, as against usury. He looked upon the usurer with detestation¹⁰⁴. Public conscience in every country had branded usury with infamy¹⁰⁵ and [it] had been branded with infamy by the writers and opinions of all ages.¹⁰⁶ He denied that this is a law to protect a man against himself. It is a law to protect men against men; all laws have the same object.¹⁰⁷ He should have opposed a similar measure for the section of the Province with which he was more immediately connected, and¹⁰⁸ he (Mr. C.) was a [sic] much the guardian of the interests and morality of this as of the other section of the province¹⁰⁹. He should therefore¹¹⁰ not vote for this bill for Lower Canada so on the same principle he could not vote for it for this section of the prov-

ince.¹¹¹ As to the argument of these laws being constantly evaded, why it would apply to all laws. He cited the maxim of a French writer who had said that les lois d'un peuple font ses mœurs, and this argument he applied to the moral effect of the usury laws. With regard to the saying ... his¹¹² hon. friend¹¹³ Mr. Sherwood had cited, he said it was spoken in jest.¹¹⁴ It appeared to him that we were coming to a time [in] which there would be no aristocracy but the aristocracy of land and the aristocracy of money. To give to money a greater value than it already had, was to call into being a new tyrant; and to his mind, the tyranny to be hated more than others, was the tyranny of capital.¹¹⁵ He went on to make some further remarks against the immorality of usury.¹¹⁶

MR. J. SMITH (of Durham) was unable to comprehend the force of the argument which regarded 6 percent a moral rate of interest, while it pronounced 8 percent criminal.¹¹⁷ That, it appeared to him, was the strong points [*sic*] of the hon. member's argument; and it appeared very frivolous.¹¹⁸ It had not been attempted to overturn the position of the mover of this question, that the law does not secure its object, that it is every day evaded.¹¹⁹ He was satisfied that the present law led to evils vastly worse than would result from the amendment now before the House.¹²⁰ He said that it came under his knowledge every day that a man was compelled to sacrifice his property, when he would not have done so if he could have borrowed money at an increased rate of interest.¹²¹ When a law became repugnant to the sense of a people it is useless to try to enforce it. This legislature had already sanctioned the principle contended for by this bill. There were numerous statutes allowing eight per cent to be taken. The Montreal Harbour Company were allowed to borrow at 8 per cent; a company at Cobourg and several others; while the building societies are allowed to lend at any rates they can obtain.¹²² He would support the present bill, as ... [an] instalment of the total repeal of the usury laws¹²³ and would take the best modification of them that came before him.¹²⁴

MR. WILSON said that he had always voted against the usury laws¹²⁵. Two years ago when the question came up he was opposed to the bill.¹²⁶ He could not see why the value of money should be fixed by law, as to the use of it, while the thing itself fluctuates in its positive value as regards other things. The only difficulty he ever had, related to the effect of any sudden change upon investments already made.¹²⁷ If a man could make 25 per cent by growing wheat would it be immoral for him to give ten percent for it. Money was no use in unskilful hands. Spain had had more money than any other nation in Europe; and because she did not know how to use it she had become the most beggarly country in Europe.¹²⁸ He thought that there was more immorality and greater hardship in allowing persons to evade a law while on the Statute book, than in repealing that law. The existing law was violated every day, and as the violation involved risk, the lender exacted a rate of interest sufficient to cover the extra risk. Every man must be familiar with instances in which tradesmen and others, being hard pressed for a time, would gladly and even profitably give 10, 15 or 20 per cent in order to sustain their credit and that system was certainly immoral which compelled these parties to resort, not to a bank, but to money lenders of unscrupulous character.¹²⁹ He was afraid that a sudden repeal¹³⁰ of the usury laws¹³¹ would be injurious to the farmers, and he was in favour of proceeding¹³² step by step, year after year in the work of modifying these laws, and he should therefore vote for the motion.¹³³

MR. CHAUVEAU said he only referred to allowing unlimited interest to be taken. To fix no limit to interest by law was immoral.¹³⁴

MR. WILSON went on facetiously and sarcastically to reply to Mr. Chauveau's

argument; and to show that if a man was able to borrow money at an increased rate of interest, that he might save himself from ruin, and his property from the hammer, it must be an advantage. A man felt his dignity and his honour compromised in being obliged to evade the law when he wanted to borrow money on an emergency at an increased rate of interest. He would vote for the bill.¹³⁵

MR. CHABOT spoke in French against the bill.¹³⁶ He did not think it much worth while to discuss this question¹³⁷. The discussion was a waste of time as the House had so often resisted motions of this kind.¹³⁸ All the members had made up their minds upon it, and had heard all the arguments pro and con. After reviewing Mr. Smith's argument, he stated that he believed six per cent a reasonable rate for money, and he did not think it desirable to make any change.¹³⁹

MR. ROBINSON also opposed the bill. It was asked why money should not be left like any other commodity to find its own value?¹⁴⁰ Money was not like every other article simply because it represented every other article.¹⁴¹ Money was unlike any other commodity. Again, it was said that the existing law being to some extent inoperative, [it] should be repealed. Why, the laws against theft and smuggling ought to be abolished for the same reason. He knew that the population of Canada, like the population of every new country, were deeply in debt¹⁴². [OR] He believed this country was not like any others, as the people generally were obliged to borrow large sums of money for their farms.¹⁴³ He apprehended ruin to large numbers if this bill became law.¹⁴⁴ With respect to England, he stated that the changes made there would scarcely be felt here. He had voted for the Trust and Loan Company's Bill last year because he thought that was going just far enough for a trial, and he wished to allow that to be tried before he went farther.¹⁴⁵ The system of Building Societies had not been long enough in operation to have been fully tested¹⁴⁶ and ... he ... contended that evil had resulted to the borrowers who had obtained loans from them at too high a rate of interest.¹⁴⁷ He was familiar with many instances of farmers on Yonge Street, who had suffered largely in consequence of having borrowed from these societies.¹⁴⁸

MR. STEVENSON was not distinctly audible in ... the Reporter's Gallery, but he was understood to argue against the bill. He had no objection to a modification of the rate of interest; but¹⁴⁹ while favourable to some modification of the present law, if proved to be necessary, objected to the repeal of penalties imposed for the exaction of usurious interest. He had no desire to hamper the capitalist, or to throw obstructions in the way of borrowers, but he dreaded the results that would follow, if money holders were permitted to turn to their own advantage the necessities of their poorer neighbors.¹⁵⁰ He did not see how a man was to clear himself of debt by paying a high rate of interest.¹⁵¹ The usury laws had been repealed a few years ago in one of the United States not far off, and it was there found that¹⁵² several persons borrowed money at¹⁵³ up to 75 per cent¹⁵⁴. Would that enable them to get out of debt?¹⁵⁵ A change of the laws had to be made.¹⁵⁶ He had no objection to raise the rate of interest if it be too low. He objected to giving the strong a power to oppress the weak.¹⁵⁷ In conclusion¹⁵⁸ he moved that the bill be read a second time this day six months.¹⁵⁹

(137)

Mr. Stevenson moved in amendment to the Question, seconded by Mr. Letellier, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. COM. CR. LANDS PRICE would oppose the total repeal of the usury laws, but he would not object to their modification.¹⁶⁰ There were three propositions

before the house. One was that of abolition. The other was for allowing more than six percent to be taken but not to be enforced by law. The third was for allowing any rates of interest on mercantile paper.¹⁶¹ He believed that the public opinion had gone forth in favour of¹⁶² some modification of these laws.¹⁶³ He opposed a total repeal, because he believed that the effect would be to create a money aristocracy.¹⁶⁴ He should¹⁶⁵ therefore¹⁶⁶ vote for the bill before the House, with the understanding that it should be referred to a committee, to report such modifications as they might deem expedient. He would try the experiment in reference to mercantile paper for one or two years, and if the change worked well in that instance, he should be ready to extend its operation.¹⁶⁷

DR. LATERRIERE¹⁶⁸ [AND/OR] MR. LETELLIER spoke in French against the bill.¹⁶⁹

MR. BADGLEY was altogether opposed to the entire abrogation of the ... laws¹⁷⁰ of penalties for usury.¹⁷¹ He was in favour of a fixed rate of interest.¹⁷² Whether that rate should be 6 per cent. or less, or more, was a matter which depended entirely on¹⁷³ circumstances, upon the amount of capital, the facilities for investment, and the profit of its employment.¹⁷⁴ One thing was certain--that we could never expect to receive capital into the country at 6 per cent, while our neighbours on the other side gave 7 per cent, the security being the same in each case.¹⁷⁵ He went over the history of the usury laws in England, and read from evidence taken before the English House of Commons in support of his argument. What was the difference between lending a hundred barrels of flour to be returned at the end of a year with five additional barrels and lending the money to buy as much flour at a like rate of interest? It was true the prodigal paid high rates of interest; but the man of good credit could always borrow at easy rates. He was not disposed to do away with a fixed standard of interest; but was ready to allow commercial transactions to take place at the will of the parties, and to raise the present limit of interest so as to allow capital to come into the country.¹⁷⁶ He should vote for the bill, without committing himself to the extent of the modification to be effected.¹⁷⁷

MR. HOLMES contended that the experience of England showed the advantage of changing the law. The bill before the house was confined to Upper Canada, from respect to the prejudices of the gentlemen from Lower Canada, but he hoped these gentlemen would so far get rid of their prejudices as to allow the bill to go into Committee, and be fitted to the wants of the commercial people of Lower Canada.¹⁷⁸ The interests of both sections were so bound up together that it was highly important that the law should be the same.¹⁷⁹ The mercantile body of the province had declared themselves, over and over again, in favour of modification of the existing laws. The Montreal Board of Trade and the Toronto Board of Trade, had done this, and they might be received as fair exponents of the wishes of business men. We should leave the people to the exercise of their judgment, instead of endeavouring to protect them against disasters to which the usury laws gave increased force. Out of deference to public opinion in Lower Canada, he should now vote for limiting the amendment to mercantile paper, with the expectation that the benefits of the change would soon become so evident that all classes would petition for its extension.¹⁸⁰ It was said why not allow the banks to take more than 6 per cent? Well, he was in favour of that too; but he was obliged again to restrain them from respect to prejudices. In New York, however, where 7 per cent was permitted, the banks never exacted 7 per cent. On the contrary, they were often discounting at 5 per cent.¹⁸¹ His own experience furnished numberless instances in which persons were compelled to pay 10, 15, and even 50 per cent for monetary accommodations, which under another system might be attained at 6 or 7 per cent. This was done daily by mercantile men of the highest character in Montreal and every other place in the province.¹⁸²

Holland was the only country in Europe where there were no usury laws, and the interest there was never higher than $4\frac{1}{2}$ per cent. Now, a gentleman had told him that he knew the arguments against the usury laws were unanswerable, but that he must vote against their repeal; and on being asked why confessed that it would destroy his income. Here the hon'ble member explained the account his friend gave him of the manner in which he, being a professional man, negotiated loans between lender and borrower who could not come to terms themselves because of the Usury Laws.¹⁸³ Among several modes of evading the law, the hon. gentleman mentioned a practice quite common of evading the usury laws, on the part of the banks. A merchant wanting to obtain money is offered by the bank a bill in New York or England for which he is charged 12 per cent, he next day sells the same bill to the next banker for 10 per cent, losing two per cent in 24 hours. He had known this to occur in hundreds of cases.¹⁸⁴ The same thing was done by the banks, who, instead of discounting their customers' bill in cash, sold them bills of exchange at discount.¹⁸⁵ He should vote for the motion, and if it were agreed to, the Bill might be sent to a committee, who would consider the extent of the modification which it was expedient to adopt.¹⁸⁶ He now hoped gentlemen opposed to the bill would meet its friends half way--¹⁸⁷. He did not see how this could be resisted by any member who had voted for the Trust and Loan Company's bill, which in reality gave to a foreign company¹⁸⁸ the right to take 8 per cent., and had thus established a¹⁸⁹ most dangerous¹⁹⁰ monopoly. They had done this too, if to the injury of any one to the injury of the agricultural community, of all others the least able to take care of themselves.¹⁹¹

MR. AT. GEN. LAFONTAINE could not make up his mind to vote for the present bill; but would choose to vote in preference for the bill of his hon'ble friend from Montreal. He thought there should be a distinction made between lenders on mortgage and lenders from commercial operations. The first lent for a long period and good security,--the last had less security, and lent for a shorter time. It was therefore his opinion that there should be a relaxation in that case. He doubted much whether any considerable sums of money were now lent at 6 per centum; for it was clear that the banks now got more than 6 per cent. He believed, too, the relaxation of the law would enable the Legislature to enact a good Bankrupt law; for at present it was notorious that merchants were constantly plunged deeper into debt, by the impossibility of getting money.¹⁹² He could not consent to the bill of the hon. member for Toronto, because it authorized the loan of money upon mortgages.¹⁹³ He understood that half the land of Upper Canada was already mortgaged, and he feared that¹⁹⁴ if such a sweeping measure were to pass, ... those who have lent money on mortgages would at once¹⁹⁵ take advantage of the power to¹⁹⁶ demand repayment with a view of exacting a higher rate of interest¹⁹⁷ to get possession of these lands.¹⁹⁸ The same objection could not apply to the measure of the member for Montreal, as it did not authorize the lending of money on mortgage.¹⁹⁹ He thought the experience in England largely in favour of trying the experiment here.²⁰⁰

MR. H. SHERWOOD explained that he did not desire that the provisions of the bill which he brought forward should be strictly adhered to. If the second reading were sanctioned, the vote would be merely tantamount to a declaration that the House was prepared to make a modification in some shape. The bill would then be referred to a Select Committee, who could embody in it such provisions as they deemed expedient. The hon. Attorney General East was under a misapprehension with regard to the clause²⁰¹. The Attorney General East was not in his place when he (Mr. S.) explained that he only wanted the house to sanction some modification of the laws, by allowing this bill to pass a second reading²⁰² though²⁰³ his Bill²⁰⁴ sanctioned loans on real estate, it provided that the lender should

not be allowed to recover more than 6 per cent.²⁰⁵ Would the hon. gentleman say that he would not allow the people of this country to take the same rate of interest that he had voted for allowing the Trust and Loan Company to take --eight per cent?²⁰⁶

MR. AT. GEN. LAFONTAINE said a foreign company required extra interest to pay the expense of agency and management.²⁰⁷

MR. H. SHERWOOD said it was no matter what they had to pay to their clerks, it was all the same to the borrower. The debentures of the municipal corporations of this province were hawked about at 25 per cent discount. Why not allow them to borrow at 8 per cent as the Montreal Harbour Company is permitted?²⁰⁸

MR. ROSS supported the motion, deeming the usury laws no longer adapted to the requirements of society.²⁰⁹ It was an extraordinary thing to say it was legal to allow men to lend to a perfectly sound chartered company at 8 per cent. while it was declared to be illegal and penal, to lend a distressed man, whose responsibility was doubtful at more than six per cent. To modify the present laws would make money more plentiful.²¹⁰ He was sorry to see so many advocates of reform and progress from Lower Canada oppose this measure demanded by the enlightenment of the age.²¹¹ Individually, he was prepared to abolish these laws, but out of respect to the prejudices of many hon. members, he should now seek only their modification.²¹²

A few remarks [were made] by MR. RICHARDS, and others²¹³.

(137)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Baldwin, Bouthillier, Cauchon, Chabot, Chauveau, Christie, Crysler, Duchesnay, Flint, Fortier, Fournier, Fourquin, Guillet, Hopkins, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, Papineau, Polette, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(33.)

NAYS.

Messieurs Armstrong, Badgley, Bell, Boulton of TORONTO, Cayley, Dickson, Fergusson, Hall, Hincks, Holmes, Johnson, Malloch, McFarland, Meyers, Morrison, Notman, Price, Prince, Ross, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Watts, and Wilson.--(24.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

*Orders
deferred.*

Ordered, That the remaining Orders of the day be postponed until to-morrow.

*Then, on motion of the Honorable Mr. Chabot, seconded by Mr. Lemieux,
The House adjourned.*

APPENDIX: 3 JULY 1851.

[NOTICE OF AMENDMENT RE: MOTION RELATIVE TO THE FEDERATIVE UNION.]²¹⁴

MR. MERRITT gave notice of an amendment to Mr. Sherwood's motion relative to the federative union, having the effect of declaring the expediency of an application to her Majesty for the calling of a convention of delegates from the three North American colonies, to meet in the city of Quebec, and determine upon the details of a constitution for a state to be formed by the union of the said colonies, such delegates to be chosen in whatever way the respective colonial legislatures might appoint, but in all cases upon the basis of representation according to population.²¹⁵

[NOTICE OF RESOLUTIONS RE: TRINITY COLLEGE.]²¹⁶

MR. MACKENZIE gave notice of some resolutions intended as amendments to the Trinity College bill, declaring the inexpediency of erecting that institution as a sectarian college.²¹⁷

[NOTICE OF MOTION RE: BILL TO EXEMPT CERTAIN ARTICLES FROM SEIZURE AND SALE FOR DEBT.]²¹⁸

MR. MACKENZIE gave notice of a bill to exempt tools, implements, bedding, &c.--to the value of £62 10s--from seizure and sale under execution for debt, and to prevent the said property from being assigned for debts contracted for intoxicating drinks.²¹⁹

[QUESTION AND ANSWER RE: ARREARS OF PENSIONS.]²²⁰

MR. W. BOULTON (of Toronto) enquired of Ministry whether it is their intention to pay arrears of Pensions to persons who were wounded in the service during the late War with the United States, or the Widows and Orphans of such persons; or whether any such Pensions have been paid within the last twelve months?²²¹

MR. INSP. GEN. HINCKS said the Government have under consideration the cases of persons claiming arrears of Pensions for wounds received in the late War with the United States.²²²

[QUESTION AND ANSWER RE: ERROR IN INTERPRETATION OF 12 VIC., CAP. 31.]²²³

DR. BOUTHILLIER enquired of Ministry, whether, in consequence of the erroneous interpretation of the 4th clause of the 12 Vic. chap. 31, adopted by the Lower Canada Department of the Crown Land's [sic] Office, and by which the Militiamen of Lower Canada were deprived of the advantages of the Act above cited, during eight months and nine days, out of the nine months which said clause granted them, to establish their claims, they intend to introduce any measure to remedy the injustice so caused to the said Militiamen of Lower Canada.²²⁴

MR. COM. CR. LANDS PRICE said no; the determination of a Clerk did not make the law, and persons thinking they had rights should have made application to some lawyer to ascertain what their rights were. There had been too much public property absorbed by keeping these claims open, and much more would be absorbed if they were opened again. All those claims were thirty or forty years old; and if people would neglect their own rights during such a length of time, it was certainly no fault of any one but themselves.²²⁵

[WITHDRAWN MOTION RE: MRS. CHARLOTTE ELMSLEY'S PETITION CONCERNING
THE TORONTO ORPHAN ASYLUM.]²²⁶

MR. H. SHERWOOD moved that the petition of Mrs. Charlotte Elmsley and others, on the part of the Orphans' Asylum of Toronto, for assistance to enable the charity to continue its labors, be referred to the committee of the whole on the supply.²²⁷

MR. INSP. GEN. HINCKS opposed the motion.²²⁸ [He] said the subject should have the consideration of the government, but he would not hold out any hope of the sums prayed for, being placed on the estimates. He made some general remarks on the principle of such grants, contending that while the government felt anxious that such institutions should be encouraged they had doubts of the propriety of giving them appropriations from the general revenue of the Province.²²⁹ The question was how ... grants of this kind ... could be reduced.²³⁰

MR. MALLOCH hoped the reference would be permitted²³¹. He thought that such institutions ought to be encouraged by the government, and intimated that²³² he had charge of²³³ two petitions for ... aid²³⁴ of precisely the same kind.²³⁵

MR. H. BOULTON opposed the motion.²³⁶ [He] was opposed in toto to all such grants, and made some remarks with a view of shewing the evil effects they were calculated to produce.²³⁷ [He] approved of the decision of Government. The practice in the United States and in other countries was to rely mainly upon private contributions, and if these proved deficient, aid was sought, not from Parliament, but from local funds.²³⁸

MR. H. SHERWOOD would have thanked the hon. member for Carlton if he had simply voted against the motion instead of attempting to deflate it by a side wind, stating that he wanted similar aid for two other institutions. The hon. member went on to show the great good this institution had done, and the claims that it had upon the government. The two Orphan Asylums of this City had afforded more relief than did those of Montreal and Quebec. Upwards of two thousand pounds were given to the charitable institutions of Lower Canada, more than to those of Upper Canada; yet while that was the case, the government came down and said that they were not prepared to give anything to the institutions of Upper Canada. If the government were prepared to strike off from the estimates all aid to such societies he would acquiesce; but while that was not the case he could not see with what reason the government could refuse the²³⁹ £100²⁴⁰ aid he asked for.²⁴¹ It was only fair that the aid sought should be granted.²⁴²

SIR A. MACNAB said a few words in favour of the motion.²⁴³ [He] pressed the Government to reconsider their decision. It was manifestly improper to withhold trifling aid from Upper Canada, while munificent grants were made to Lower Canada.²⁴⁴

MR. INSP. GEN. HINCKS said that the educational and charitable grants were as nearly as possible alike in the two sections of the Province²⁴⁵ and if you commence to increase them they must be increased in both sections of the Province.²⁴⁶ In Upper Canada, the educational grants preponderated; in Lower Canada, the charitable grants were the larger. If the idea of an exact equality in regard to each character of grants were persevered in, some £10,000 would be added to the annual grants of this nature. Some concessions were needed on both sides. For his own part, he wished that the country had been burthened with none of these grants.²⁴⁷

MR. H. SHERWOOD asked how it was with the administration of Justice.²⁴⁸

MR. INSP. GEN. HINCKS said the hon. gentleman was bringing in a totally different matter. He went on to explain that there was a difference in the in-

stitutions of the two sections of the Province, but that the sums granted for their support were the same, and that if one was increased the other must be so also. He agreed with the hon. member for Norfolk, and would prefer that no aid should be given to such institutions at all.²⁴⁹

MR. CHABOT, in French, made a speech nearly to the same effect as Mr. Hincks²⁵⁰ against the motion.²⁵¹

MR. W. BOULTON supported the motion, and said Upper Canada had claims greater than Lower Canada for such grants.²⁵²

Loud ironical cheers from the French members.²⁵³

MR. PAPINEAU entirely objected to the motion, and argued that the grounds put forth in support of it were frivolous. The principle of such grants was at all times dangerous; and we see that in Spain²⁵⁴, Italy, and other old countries,²⁵⁵ where such grants were carried to the greatest extent, that they were productive of misery and degradation. Their tendency was to encourage mendicancy and vice.²⁵⁶ The countries in which endowments were fewest were the freest and happiest.²⁵⁷ He referred to the history of the establishment of the charitable institutions of the Province with a view of showing that government aid was rather appropriate to the early times of the province than the present time.²⁵⁸ The author of this motion did not pretend to justify these grants as wise in themselves, but demanded them simply because Lower Canada enjoyed similar grants. If this were persisted in, each section of the province would strive to outstrip the other in extravagance. It was an easy way for any member to catch a few stray votes, by exaggerating the claims of his constituents in their own hearing, but the House ought not to be dictated to by a mere fraction of the community.²⁵⁹ Our first enquiry should be can such aid be dispensed with? or is it absolutely necessary? and not--does this section of the province get more than that? He did not care which section got the more.²⁶⁰ There was nothing to show how much private charity had contributed, and how far these contributions were inadequate for the purpose.²⁶¹ The hon. gentleman went on at length, to show the extent to which these grants must run if once commenced along the route of navigation, and the necessity of doing as much as possible to stimulate immigrants to self-reliance, instead of affording facilities for imposture and importunity.²⁶² He thought the most that could be asked was that the petition should be referred to a Special Committee for enquiry.²⁶³

MR. H. SHERWOOD replied; and in the course of his remarks stated that Lower Canada was exempted from taxation for local purposes, and the administration of justice that had to be borne in Upper Canada.²⁶⁴

Several French members said no, no, and that gaols in Lower Canada were now built by local taxation.²⁶⁵

MR. H. SHERWOOD said yes, by taxing the profession; and that Upper Canadians would have to pay for [it] if they went before the courts in Lower Canada. He contended that emigration was more burdensome to Toronto, than to Quebec or Montreal, as emigrants did not stay in these two latter cities, but proceeded westward and that it would be most unjust to refuse to give £100 to the institution in question, in view of the large sums paid to Lower Canada. After some further remarks on the principle of such grants, he stated that he would withdraw his motion in order to allow the government time to think of the matter²⁶⁶ reserving to himself the right of again bringing it forward if the government did not, on reconsideration, consent to insert in the estimates the amount sought by the petitioners.²⁶⁷

MR. CHAUVEAU condemned the manner in which Mr. Sherwood had argued his motion as showing a narrow and reprehensible spirit. He should have argued his motion on its own merits and he (Mr. C.) would be in favor of it, as he believed such institutions should be encouraged.²⁶⁸ [He] thought the government should increase the grants to charities and in the supplementary estimates propose to include the Orphan Asylum of Toronto and the Bytown hospital.²⁶⁹ [He] deprecated the perpetual contrast between the two sections of the Province as irritating, without having any tendency to good.²⁷⁰

MR. CAUCHON also condemned Mr. Sherwood's manner of arguing his question, saying he should have argued it on its own merits.... With regard to emigration²⁷¹ [he] reminded the hon. member for Toronto that destitute immigrants do not travel farther than Quebec or Montreal²⁷² while only the well to do proceeded ... westward²⁷³. Upper Canada, then, had the advantages as well as the drawbacks of immigration. If Lower Canada members were forced to notice the invidious²⁷⁴ partial²⁷⁵ comparisons which the hon. member for Toronto was prone to make, they would be able to show that his statements were wholly unwarranted²⁷⁶ [and] unfair.²⁷⁷

MR. CAYLEY repelled the allegation²⁷⁸. [He] spoke at some length, but in a very indistinct voice, attempting to show, as we understood, that whereas the estimates showed that the grants for education in Lower Canada were much greater than in Upper Canada, but that the sum total was reduced by the amount received from the Jesuits' Estates, the truth was that a large deduction ought to be made in the same way from the Educational grant to Upper Canada, inasmuch as a portion of the expenditure in the Western part of the Province came out of the Marriage License Fund. He contended that upon the whole Lower Canada had by far the greater share of the public revenue.²⁷⁹

MR. LETELLIER said the emigrants who came to Lower Canada were as much for Upper Canada as for Lower Canada. It would be absurd to speak of the Penitentiary as an Upper Canadian institution, and so it was to speak of the charitable institutions of Lower Canada. The people of Lower Canada gave a 25th part of all their grain into the hands of enlightened men, who employed those contributions in forwarding the education of the people. The colleges which some of these men had erected, where an unequalled education was afforded, were the glory of the founders. He concluded by a warm tribute of praise to the clergy and inhabitants of the District of Quebec, for the care they had taken of the Irish emigrants during the dreadful season of fever in 1847. These charities, he said, were not supported by grants of £100, but by a warm feeling of benevolence from which poverty might constantly draw.²⁸⁰

COL. PRINCE deprecated the drawing of these distinctions between Upper and Lower Canada.²⁸¹ He appealed to the pity of the Ministry, in behalf of²⁸² the Asylum²⁸³, an institution especially worthy of²⁸⁴ the consideration²⁸⁵ and support²⁸⁶ of the government²⁸⁷, but which must fall to the ground if the Legislature withheld the support prayed for.²⁸⁸

Eventually, the motion was withdrawn.²⁸⁹

FOOTNOTES: 3 JULY 1851.

1. The following papers reported this speech in identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; MONTREAL GAZETTE, 4 July 1851, and LA MINERVE, 5 July 1851. The following papers reported the speech in partially identical accounts: GLOBE, 5 July 1851, EXAMINER, 9 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
2. GLOBE, 5 July 1851.
3. MONTREAL GAZETTE, 4 July 1851.
4. GLOBE, 5 July 1851.
5. BRITISH COLONIST, 4 July 1851.
6. GLOBE, 5 July 1851.
7. BRITISH COLONIST, 4 July 1851.
8. GLOBE, 5 July 1851.
9. BRITISH COLONIST, 4 July 1851.
10. GLOBE, 5 July 1851.
11. BRITISH COLONIST, 4 July 1851.
12. MONTREAL GAZETTE, 4 July 1851.
13. BRITISH COLONIST, 4 July 1851.
14. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851. The debate was also reported by EXAMINER, 9 July 1851.
15. BRITISH COLONIST, 4 July 1851.
16. GLOBE, 5 July 1851.
17. EXAMINER, 9 July 1851.
18. GLOBE, 5 July 1851.
19. EXAMINER, 9 July 1851.
20. GLOBE, 5 July 1851.
21. The following papers reported the debate on this matter in identical accounts: GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851. The debate was also reported by EXAMINER, 9 July 1851.
22. GLOBE, 5 July 1851.
23. IBID.
24. EXAMINER, 9 July 1851.
25. GLOBE, 5 July 1851.
26. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
27. BRITISH COLONIST, 4 July 1851.
28. IBID.
29. GLOBE, 5 July 1851.
30. BRITISH COLONIST, 4 July 1851.
31. IBID.
32. GLOBE, 5 July 1851.
33. BRITISH COLONIST, 4 July 1851.
34. GLOBE, 5 July 1851.
35. IBID.
36. IBID.
37. IBID.
38. BRITISH COLONIST, 4 July 1851.
39. IBID.
40. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 4 July 1851, BRITISH WHIG, 7 July

1851, MONTREAL GAZETTE, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851. The debate was also reported by EXAMINER, 9 July 1851. A commentary appeared in MONTREAL GAZETTE, 8 July 1851.

41. EXAMINER, 9 July 1851.
42. GLOBE, 5 July 1851.
43. BRITISH WHIG, 7 July 1851.
44. GLOBE, 5 July 1851.
45. EXAMINER, 9 July 1851.
46. BRITISH WHIG, 7 July 1851.
47. EXAMINER, 9 July 1851.
48. GLOBE, 5 July 1851.
49. EXAMINER, 9 July 1851.
50. BRITISH COLONIST, 4 July 1851.
51. GLOBE, 5 July 1851.
52. EXAMINER, 9 July 1851.
53. GLOBE, 5 July 1851.
54. BRITISH COLONIST, 4 July 1851.
55. GLOBE, 5 July 1851.
56. BRITISH COLONIST, 4 July 1851.
57. GLOBE, 5 July 1851.
58. BRITISH COLONIST, 4 July 1851.
59. EXAMINER, 9 July 1851.
60. BRITISH COLONIST, 4 July 1851.
61. GLOBE, 5 July 1851.
62. BRITISH COLONIST, 4 July 1851.
63. BRITISH WHIG, 7 July 1851.
64. GLOBE, 5 July 1851.
65. BRITISH COLONIST, 4 July 1851.
66. GLOBE, 5 July 1851.
67. BRITISH WHIG, 7 July 1851.
68. BRITISH COLONIST, 4 July 1851.
69. GLOBE, 5 July 1851.
70. BRITISH COLONIST, 4 July 1851.
71. GLOBE, 5 July 1851.
72. BRITISH COLONIST, 4 July 1851.
73. GLOBE, 5 July 1851.
74. BRITISH COLONIST, 4 July 1851.
75. GLOBE, 5 July 1851.
76. BRITISH COLONIST, 4 July 1851.
77. EXAMINER, 9 July 1851.
78. BRITISH COLONIST, 4 July 1851.
79. BRITISH WHIG, 7 July 1851.
80. BRITISH COLONIST, 4 July 1851.
81. GLOBE, 5 July 1851.
82. BRITISH COLONIST, 4 July 1851.
83. GLOBE, 5 July 1851.
84. EXAMINER, 9 July 1851.
85. GLOBE, 5 July 1851.
86. BRITISH COLONIST, 4 July 1851.
87. GLOBE, 5 July 1851.
88. BRITISH COLONIST, 4 July 1851.
89. BRITISH WHIG, 7 July 1851.
90. BRITISH COLONIST, 4 July 1851.
91. BRITISH WHIG, 7 July 1851.

92. BRITISH COLONIST, 4 July 1851.
93. EXAMINER, 9 July 1851.
94. BRITISH COLONIST, 4 July 1851.
95. EXAMINER, 9 July 1851.
96. IBID.
97. BRITISH COLONIST, 4 July 1851.
98. EXAMINER, 9 July 1851.
99. GLOBE, 5 July 1851.
100. BRITISH COLONIST, 4 July 1851.
101. EXAMINER, 9 July 1851.
102. BRITISH COLONIST, 4 July 1851.
103. EXAMINER, 9 July 1851.
104. BRITISH COLONIST, 4 July 1851.
105. EXAMINER, 9 July 1851.
106. BRITISH COLONIST, 4 July 1851.
107. EXAMINER, 9 July 1851.
108. GLOBE, 5 July 1851.
109. EXAMINER, 9 July 1851.
110. GLOBE, 5 July 1851.
111. EXAMINER, 9 July 1851.
112. BRITISH COLONIST, 4 July 1851.
113. BRITISH WHIG, 7 July 1851.
114. BRITISH COLONIST, 4 July 1851.
115. GLOBE, 5 July 1851.
116. BRITISH COLONIST, 4 July 1851.
117. GLOBE, 5 July 1851.
118. BRITISH COLONIST, 4 July 1851.
119. EXAMINER, 9 July 1851.
120. GLOBE, 5 July 1851.
121. BRITISH COLONIST, 4 July 1851.
122. EXAMINER, 9 July 1851.
123. BRITISH COLONIST, 4 July 1851.
124. GLOBE, 5 July 1851.
125. BRITISH COLONIST, 4 July 1851.
126. EXAMINER, 9 July 1851.
127. GLOBE, 5 July 1851.
128. EXAMINER, 9 July 1851.
129. GLOBE, 5 July 1851.
130. BRITISH COLONIST, 4 July 1851.
131. EXAMINER, 9 July 1851.
132. BRITISH COLONIST, 4 July 1851.
133. GLOBE, 5 July 1851.
134. BRITISH COLONIST, 4 July 1851.
135. IBID.
136. EXAMINER, 9 July 1851.
137. BRITISH COLONIST, 4 July 1851.
138. GLOBE, 5 July 1851.
139. BRITISH COLONIST, 4 July 1851.
140. GLOBE, 5 July 1851.
141. BRITISH COLONIST, 4 July 1851.
142. GLOBE, 5 July 1851.
143. BRITISH COLONIST, 4 July 1851.
144. GLOBE, 5 July 1851.
145. BRITISH COLONIST, 4 July 1851.
146. GLOBE, 5 July 1851.

147. BRITISH COLONIST, 4 July 1851.
148. GLOBE, 5 July 1851.
149. BRITISH COLONIST, 4 July 1851.
150. GLOBE, 5 July 1851.
151. EXAMINER, 9 July 1851.
152. BRITISH COLONIST, 4 July 1851.
153. EXAMINER, 9 July 1851.
154. BRITISH COLONIST, 4 July 1851.
155. EXAMINER, 9 July 1851.
156. BRITISH COLONIST, 4 July 1851.
157. EXAMINER, 9 July 1851.
158. BRITISH COLONIST, 4 July 1851.
159. GLOBE, 5 July 1851.
160. BRITISH COLONIST, 4 July 1851.
161. EXAMINER, 9 July 1851.
162. BRITISH COLONIST, 4 July 1851.
163. EXAMINER, 9 July 1851.
164. BRITISH COLONIST, 4 July 1851.
165. GLOBE, 5 July 1851.
166. EXAMINER, 9 July 1851.
167. GLOBE, 5 July 1851.
168. BRITISH COLONIST, 4 July 1851.
169. EXAMINER, 9 July 1851.
170. BRITISH COLONIST, 4 July 1851.
171. EXAMINER, 9 July 1851.
172. BRITISH COLONIST, 4 July 1851.
173. GLOBE, 5 July 1851.
174. EXAMINER, 9 July 1851.
175. GLOBE, 5 July 1851.
176. BRITISH COLONIST, 4 July 1851.
177. GLOBE, 5 July 1851.
178. BRITISH COLONIST, 4 July 1851.
179. EXAMINER, 9 July 1851.
180. GLOBE, 5 July 1851.
181. BRITISH COLONIST, 4 July 1851.
182. GLOBE, 5 July 1851.
183. BRITISH COLONIST, 4 July 1851.
184. EXAMINER, 9 July 1851.
185. BRITISH COLONIST, 4 July 1851.
186. GLOBE, 5 July 1851.
187. BRITISH COLONIST, 4 July 1851.
188. GLOBE, 5 July 1851.
189. BRITISH COLONIST, 4 July 1851.
190. GLOBE, 5 July 1851.
191. BRITISH COLONIST, 4 July 1851.
192. IBID.
193. GLOBE, 5 July 1851.
194. BRITISH COLONIST, 4 July 1851.
195. EXAMINER, 9 July 1851.
196. BRITISH COLONIST, 4 July 1851.
197. EXAMINER, 9 July 1851.
198. BRITISH COLONIST, 4 July 1851.
199. EXAMINER, 9 July 1851.
200. BRITISH COLONIST, 4 July 1851.
201. GLOBE, 5 July 1851.

202. EXAMINER, 9 July 1851.
203. GLOBE, 5 July 1851.
204. BRITISH COLONIST, 4 July 1851.
205. GLOBE, 5 July 1851.
206. EXAMINER, 9 July 1851.
207. IBID.
208. IBID.
209. GLOBE, 5 July 1851.
210. BRITISH COLONIST, 4 July 1851.
211. EXAMINER, 9 July 1851.
212. GLOBE, 5 July 1851.
213. IBID.
214. The following papers reported this notice in identical accounts: BRITISH COLONIST, 4 July 1851, GLOBE, 5 July 1851, MONTREAL GAZETTE, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
215. BRITISH COLONIST, 4 July 1851.
216. The following papers reported this notice in identical accounts: BRITISH COLONIST, 4 July 1851, and MONTREAL TRANSCRIPT, 10 July 1851.
217. BRITISH COLONIST, 4 July 1851.
218. The following papers reported this notice in identical accounts: GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
219. GLOBE, 5 July 1851.
220. The following papers reported this question in identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July, 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
221. GLOBE, 5 July 1851.
222. IBID.
223. The following papers reported this question in identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL GAZETTE, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, and PILOT, 10 July 1851.
224. GLOBE, 5 July 1851.
225. BRITISH COLONIST, 4 July 1851.
226. The following papers reported the debate on this withdrawn motion in partially identical accounts: BRITISH COLONIST, 4 July 1851, MONTREAL GAZETTE, 8 July 1851, MONTREAL TRANSCRIPT, 10 July 1851; GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851. The debate was also reported by EXAMINER, 9 July 1851. MONTREAL GAZETTE, 8 July 1851, noted the debate in a separate account.
227. GLOBE, 5 July 1851.
228. EXAMINER, 9 July 1851.
229. BRITISH COLONIST, 4 July 1851. MONTREAL GAZETTE, 8 July 1851, attributed this speech, in error, to Mr. Malloch.
230. EXAMINER, 9 July 1851.
231. IBID.
232. BRITISH COLONIST, 4 July 1851.
233. EXAMINER, 9 July 1851.
234. BRITISH COLONIST, 4 July 1851.
235. EXAMINER, 9 July 1851.
236. IBID.
237. BRITISH COLONIST, 4 July 1851.
238. GLOBE, 5 July 1851.
239. BRITISH COLONIST, 4 July 1851.
240. GLOBE, 5 July 1851.
241. BRITISH COLONIST, 4 July 1851.

- 242. EXAMINER, 9 July 1851.
- 243. BRITISH COLONIST, 4 July 1851.
- 244. GLOBE, 5 July 1851.
- 245. IBID.
- 246. EXAMINER, 9 July 1851.
- 247. GLOBE, 5 July 1851.
- 248. BRITISH COLONIST, 4 July 1851.
- 249. IBID.
- 250. IBID.
- 251. GLOBE, 5 July 1851.
- 252. BRITISH COLONIST, 4 July 1851.
- 253. IBID.
- 254. IBID.
- 255. GLOBE, 5 July 1851.
- 256. BRITISH COLONIST, 4 July 1851.
- 257. EXAMINER, 9 July 1851.
- 258. BRITISH COLONIST, 4 July 1851.
- 259. GLOBE, 5 July 1851.
- 260. BRITISH COLONIST, 4 July 1851.
- 261. EXAMINER, 9 July 1851.
- 262. GLOBE, 5 July 1851.
- 263. BRITISH COLONIST, 4 July 1851.
- 264. IBID.
- 265. IBID.
- 266. IBID.
- 267. GLOBE, 5 July 1851.
- 268. BRITISH COLONIST, 4 July 1851.
- 269. EXAMINER, 9 July 1851.
- 270. GLOBE, 5 July 1851.
- 271. BRITISH COLONIST, 4 July 1851.
- 272. GLOBE, 5 July 1851.
- 273. BRITISH COLONIST, 4 July 1851.
- 274. GLOBE, 5 July 1851.
- 275. EXAMINER, 9 July 1851.
- 276. GLOBE, 5 July 1851.
- 277. EXAMINER, 9 July 1851.
- 278. GLOBE, 5 July 1851.
- 279. BRITISH COLONIST, 4 July 1851.
- 280. IBID.
- 281. EXAMINER, 9 July 1851.
- 282. GLOBE, 5 July 1851.
- 283. EXAMINER, 9 July 1851.
- 284. GLOBE, 5 July 1851.
- 285. EXAMINER, 9 July 1851.
- 286. GLOBE, 5 July 1851.
- 287. EXAMINER, 9 July 1851.
- 288. GLOBE, 5 July 1851.
- 289. IBID.

FRIDAY, 4 JULY 1851.

(137)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Christie,--Two Petitions of the Quebec Board of Trade; and the Petition of Messieurs Allan Gilmour and Company, and others, merchants and manufacturers in the Timber Trade of Canada.

By Mr. Fortier,--The Petition of Henry Wulff Trigge and others.

By Mr. Holmes,--The Petition of the Reverend Henry Wilkes, D.D. President, and Samuel Phillips, Secretary, on behalf of the Protestant Board of Examiners for the District of Montreal; and the Petition of Simon Lafrenière and others, Pilots between Quebec and Montreal.

By Mr. Solicitor General Macdonald,--The Petition of the Mayor and Corporation of the Town of Dundas.

By the Honorable Mr. Badgley,--The Petition of William E. Twynam, Attorney at Law of the Province of New Brunswick, now resident at Toronto.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of André Leroux Cardinal, Chief Messenger of this House; praying indemnity for loss sustained by him through the burning of the Parliament House in the City of Montreal, in 1849.

Of Charles A.C. de Tonnancour, Esquire, Coroner of the District of St. Francis; representing that he filled the said office from the year 1831 to the year 1839, without any salary,--and praying the consideration of the House in the premises.

Fourth Report
of Committee on
Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," and have agreed to report the same without any amendment.

They have also examined the Bill to incorporate the St. Lawrence School of Medicine of Montreal, and the Bill to naturalize Ira Gould and others, and for other purposes; and have agreed to an amendment to each of the said Bills, which they beg leave to recommend for the adoption of Your Honorable House.

Gould and Sons
Naturalization
Bill.

Ordered, That the Bill to naturalize Ira Gould and others, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

St. Lawrence
School of
Medicine Bill.

Ordered, That the Bill to incorporate the St. Lawrence School of Medicine of Montreal, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for

Monday next.

Seigniorial
Tenure.

Ordered, That the Petition of F.X. Ponsant, Esquire, and others, Censitaires, of the Parish of St. François d'Assise, County of Dorchester, be referred to the

Select Committee on Seigniorial Tenure in Lower Canada.

Port Hope
Harbour.

Ordered, That three hundred Copies of the Return relative to Port Hope Harbour, which was presented on the 26th June last, be printed for the use of the Members

of this House.

Bill relating to
a Road Allowance
in the Township
of York.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," be read the third time on Monday next.

Quebec Music Hall
Association Bill.

Ordered, That Mr. Ross have leave to bring in a Bill to incorporate the Quebec Music Hall Association.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Territorial
Divisions
(U.C.).

Ordered, That the Petition of Thomas Mossington, Esquire, and others, of the Township of Georgina, County of York, be referred to the Committee of the whole House on the Bill to make certain alterations in the Ter-

ritorial Divisions of Upper Canada.

Railroad from
Fort Erie to
Brantford.

Ordered, That the Return relative to a Railroad from Fort Erie to Brantford, which was presented on the 25th June last, be printed for the use of the Members of this House.

(138)

British America
Assurance Bill.

An engrossed Bill to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the

said Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Sherwood do carry the Bill to the Legislative Council, and desire their concurrence.

Heir and
Devisee Bill.

The Order of the day for the second reading of the Bill to amend the Heir and Devisee Act of Upper Canada, being read;

The Bill was accordingly read a second time; and ordered to be engrossed, and read the third time on Monday next.

Division Line
Bill.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Solicitor General Drummond, the Honorable Mr. Badgley, the Honorable Mr. Chabot, Mr. Solicitor General Macdonald, and Mr. Mongenais, to report thereon with all convenient speed.

Land Surveyors'
Act Amendment
Bill.

The Order of the day for the House in Committee on the Bill to amend the Land Surveyors' Act, being read;
The House accordingly resolved itself into the said Committee.

Mr. Bell took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Bell reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

Territorial
Divisions Bill,
(U.C.).

The Order of the day for the House in Committee on the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;¹

On motion of MR. INSP. GEN. HINCKS, the House again went in committee of the whole on the bill to alter Territorial Divisions in Upper Canada (and all petitions relative to Territorial Divisions, referred).²

(138)

The House accordingly resolved itself into the said Committee.

Mr. Fortier took the Chair of the Committee;

MR. INSP. GEN. HINCKS explained that apprehension existed out of doors with respect to the time when the fourth clause would come into operation. It had been rumoured that the bill, so far as the newly formed counties were concerned, would come into operation immediately; while in fact, [the operation of] this portion of the act would not commence until the first of January, in order that all municipal elections might take place under the new act. No steps relating to County Towns, &c could take place before the 1st February.³

MR. H. SHERWOOD asked if the county of Ontario would stand on the same footing, in this respect, as the other new counties.⁴

MR. INSP. GEN. HINCKS replied in the affirmative.⁵

The paragraphs of Schedule A, defining the counties, Nos. 1 to 56 were considered⁷ [and] agreed to without a division.⁸

MR. BELL moved that the townships of Levant, Darling, and Parkenham, be not part of the County of Renfrew (as in par. 6.) but be added to Lanark, (par. 7.) --Carried.⁹

Paragraphs 8 to 19 were agreed to¹⁰ without alteration.¹¹

MR. ROBINSON moved that a portion of newly acquired territory adjoining Simcoe, be added to that county--(par. 20.)--Carried.¹²

MR. INSP. GEN. HINCKS moved that the Townships of Whitchurch, Gwillimbury East and West, be added to the County of York, (21.)¹³

MR. ROBINSON moved that the Township of Georgina be also added; but this was negatived.¹⁴

MR. H. BOULTON moved that Pickering be added.¹⁵ After a discussion, this also was lost.¹⁶

Mr. Hincks's motion carried.¹⁷

MR. INSP. GEN. HINCKS moved that in par. 24 the name of Elgin be struck out and the name of Talbot inserted.¹⁸

MR. NOTMAN at some length opposed the motion.¹⁹

SIR A. MACNAB supported the motion, and passed a high eulogium on Col. Talbot.²⁰

MR. WILSON opposed the motion strenuously as an act that would be most distasteful to the people, as Col. Talbot was not held in so very high admiration as the hon. and gallant Knight would make the House believe.²¹

MR. NOTMAN considered it a piece of daring which he had not thought would be perpetrated, that the hon. gentleman would receive from the opponents of the Administration a suggestion of that kind, and that he (Mr. Notman) should be treated as a man of straw. He never heard of the proposed change until this Monday. He called upon the House to prevent that fraud being perpetrated upon the country.²²

A few more remarks [came] from MR. WILSON²³.

The motion was withdrawn.²⁴

No. 25 and 26 passed without amendment.²⁵

In the 27th paragraph which states that the County of Brant shall consist of the Townships of Brantford, Onondaga, Tuscarora, Louth, Dumfries and Burford, ... MR. INSP. GEN. HINCKS stated that he had communications from the County Council of Oxford requesting that the Township of Burford be divided, and one half given to Brant, the other to Oxford.²⁶

MR. NOTMAN said the inhabitants of that township are desirous to be connected with Brant, and the division of the township would cause great dissatisfaction. They were satisfied with the Government measure and trusted that it would be carried out as it is printed.²⁷

COL. PRINCE and DR. SMITH opposed the proposition.²⁸

COL. PRINCE read a statement which had been placed in his hands by persons residing in the locality against detaching a portion of Burford from this of Brandt [sic].²⁹

MR. INSP. GEN. HINCKS's amendment was then put and lost.³⁰ The hon. Inspector General was the only person who voted for the change.³¹

The paragraphs up to 37 were adopted.³²

A discussion arose in reference to the division of ... Middlesex.³³

MR. WILSON moved that the county of Middlesex be divided North and South instead of East and West. The hon. gentleman contended that this division was desired by the inhabitants.³⁴ [He] exhibited a diagram to show the effect of the division line running East and West, as proposed in the bill, and the propriety of having the division line to run North and South, as the majority of the people desire. There were only four townships in favor of the division in the bill. He asked this division because it was reasonable, and second, because the people desired it.³⁵

MR. NOTMAN opposed the division.³⁶

MR. MERRITT opposed it.³⁷

COL. PRINCE would go for the bill as it stood.³⁸

Other members spoke on the motion, which was lost--yeas 12; nays, 22.³⁹

The Government plan was then adopted to divide the County East and West.⁴⁰

The next clause coming up⁴¹ viz. 37--relating to the County of Middlesex, MR. NOTMAN moved in amendment that the County consist in part of certain townships which had just been declared to be part of the County of Elgin⁴²--these were Southwold, Yarmouth, Malahide, and South Delaware.⁴³

This was objected to as out of order, and DR. FORTIER the Chairman declined to receive it.⁴⁴

After a long discussion the Speaker was called in,⁴⁵ and a discussion took place on the point of order; the principal question being, whether it was competent to the Committee, having just adopted a motion, to allow the same to be reconstructed during the same sitting.⁴⁶

MR. MORIN the SPEAKER decided the amendment was out of order.⁴⁷

The Committee ... [then] resumed.⁴⁸

MR. NOTMAN moved, in amendment, that the township of Bayham be struck out, and added to the county of Oxford.⁴⁹

It was found, however, that Bayham was included in clause 36, and the amendment therefore fell to the ground.⁵⁰

Clause 37 was then agreed to, as it stood.⁵¹

MR. MCFARLAND moved to add Navy Island to the county of Welland, which was seconded by MR. MACKENZIE, but was overruled.⁵²

Clause 41, therefore, was adopted in its original shape.⁵³

The remaining clauses in⁵⁴ Schedule E⁵⁵ were then agreed to.⁵⁶

MR. ROBINSON objected to dividing West Gwillimbury.⁵⁷

After a short discussion, Mr. Robinson's objection was overruled.⁵⁸

One or two further amendments were adopted, but they were not audible to the Reporter, in consequence of the confusion around the table.⁵⁹

(138)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fortier reported, That the Committee had gone through the Bill, and made amendments thereunto.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, and the Question being proposed, That the Report be received on Tuesday next;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That the word "Tuesday" be left out, and the word "Friday" inserted instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be received on Tuesday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

Division Court
and General
Fee Fund.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 2nd ultimo, praying His Excellency to cause to be laid before the House, a Return shewing the names of the Division Court Judges, their salaries, and the amount of fees and fines raised in the several Divisions; also, the amount of the General Fee Fund, and of all monies received and disbursed under the authority of Sections 16 and 17 of the Division Court Act of last Session, and stating in detail the manner in which all such monies have been appropriated, whether under authority of the said Act, or of previous enactments, and if so, what enactments, for and during the two years ending with the last fiscal quarter: A statement in detail, of the expenditure of

Indian
Annuities.

£5000, less £800 refunded, paid without the special authority of law to W.B. Robinson, Esquire, a Member of the Legislative Assembly, to be by him distributed among the Indians on Lake Superior: and a Return shewing to whom the payments were severally made of £6,655, stated in page 20 of last year's Public Accounts to have been paid for "Indian Annuities," or for during the year ending on the 30th of September last.

Appendix (I.I.)

For the said Return, see Appendix (I.I.)

Provincial
Lunatic
Asylum.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 26th ultimo, praying His Excellency to cause to be laid before the House, copies of the Petition of John Coppins to the Board of Directors of the Provincial Lunatic Asylum, containing various charges against the management of that Institution, and of all the evidence taken relative to the said Petition, together with the result of such investigation and the Report of the Directors thereon; with a Return of the number of Patients received within the present Asylum since its occupation, the number of deaths, the causes of such deaths, and the dates at which they occurred, and also, the number of Servants, the offices held by them, who have resigned their situations within the same period, or been dismissed from service by the Directors of the Institution, with the date of such resignation or dismissal.

Appendix (J.J.)

For the said Return, see Appendix (J.J.)

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Taché, seconded by the Honorable Mr. Macdonald,
The House adjourned until Monday next.

APPENDIX: 4 JULY 1851.

[NOTICE OF MOTION RE: BILLS OF EXCHANGE AND PROMISSORY NOTES.]⁶⁰

MR. HOLMES gave notice of a bill to explain and amend the law relating to Bills of Exchange and Promissory Notes.⁶¹

FOOTNOTES: 4 JULY 1851.

1. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 8 July 1851, EXAMINER, 9 July 1851, MONTREAL TRANSCRIPT, 10 July 1851, BRITISH WHIG, 10 July 1851, copied from PATRIOT, of unknown date; GLOBE, 5 July 1851, PILOT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
2. BRITISH COLONIST, 8 July 1851.
3. IBID.
4. GLOBE, 5 July 1851.
5. IBID.
6. BRITISH COLONIST, 8 July 1851.
7. GLOBE, 5 July 1851.
8. BRITISH COLONIST, 8 July 1851.
9. IBID.
10. IBID.
11. GLOBE, 5 July 1851.
12. BRITISH COLONIST, 8 July 1851.
13. IBID.
14. IBID.
15. IBID.
16. GLOBE, 5 July 1851.
17. BRITISH COLONIST, 8 July 1851.
18. GLOBE, 5 July 1851.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. BRITISH COLONIST, 8 July 1851.
25. GLOBE, 5 July 1851.
26. IBID.
27. IBID.
28. IBID.
29. EXAMINER, 9 July 1851.
30. IBID.
31. GLOBE, 5 July 1851.
32. BRITISH COLONIST, 8 July 1851.
33. GLOBE, 5 July 1851.
34. BRITISH COLONIST, 8 July 1851.
35. GLOBE, 5 July 1851.
36. IBID.
37. BRITISH COLONIST, 8 July 1851.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. GLOBE, 5 July 1851.
43. BRITISH COLONIST, 8 July 1851.
44. GLOBE, 5 July 1851.
45. BRITISH COLONIST, 8 July 1851.
46. GLOBE, 5 July 1851.
47. IBID.
48. IBID.
49. IBID.

50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. BRITISH COLONIST, 8 July 1851.
56. GLOBE, 5 July 1851.
57. BRITISH COLONIST, 8 July 1851.
58. IBID.
59. IBID.
60. The following papers reported this notice in identical accounts: GLOBE, 5 July 1851, BRITISH COLONIST, 8 July 1851, EXAMINER, 9 July 1851, BRITISH WHIG, 10 July 1851, copied from PATRIOT, of unknown date, MONTREAL TRANSCRIPT, 10 July 1851, and NORTH AMERICAN, 11 July 1851.
61. GLOBE, 5 July 1851.

MONDAY, 7 JULY 1851.

(138)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By Mr. Smith of Frontenac,--The Petition of Thomas Raile, Esquire, and others, of the Township of Loughborough.

By Mr. Nelson,--The Petition of the Municipal Corporation of the Village of St. Ours, County of Richelieu.

By Mr. Lemieux,--The Petition of the Reverend N.C. Fortier and others, of the Village of St. Michel, County of Bellechasse.

By the Honorable Mr. Hincks,--The Petition of L. Marks, President, and others, Officers of the German and Polish Benevolent Society, and others, of the City of Toronto.

By Mr. Sauvageau,--The Petition of J. Bissonnette, Esquire, and others, of the south part of the County of Huntingdon; and the Petition of Loop Odell and others, of Registration District Number Two, of the County of Huntingdon.

(139)

By Mr. Solicitor General Drummond,-- The Petition of A. Dugas, Esquire, and others, of the County of Leinster, Freeholders; the Petition of John McBean, Esquire, and others, of the Parish of Berthier, County of Berthier; and the Petition of T.D. Latour, Esquire, and others, of the Parish of Lanoraie, County of Berthier.

By Mr. Armstrong,--The Petition of Louis G. Lafontaine, Esquire, and others, of the Parish of Lanoraie, County of Berthier; the Petition of Charles Formeret, Esquire, and others, of the Parish of Berthier, County of Berthier; and the Petition of M. Poirier and others, of the County of Leinster.

By Mr. McFarland,--Three Petitions of the Municipality of the Township of Pelham.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of William P. McLaren and others, of the City of Hamilton; praying for the passing of an Act to revive and extend the Act incorporating the Burlington Bay Dock and Ship Building Company.

Of John R. Holden, Esquire, Mayor, on behalf of a public meeting of the Citizens of Hamilton; praying that the application of the Municipal Council of the United Counties of Wentworth and Halton, for the passing of an Act granting them authority to dispose of a part of the Court House Square in the said City, for the purchase of Land more advantageously situated for the use of a Gaol and the buildings necessary therefor, may not be granted.

Of John Coppins, late a Keeper in the Provincial Lunatic Asylum at Toronto; representing certain abuses in the management of the Provincial Lunatic Asylum, and the conduct of the Medical Superintendent thereof, and praying an inquiry in the premises.

Of the Honorable Archibald McLean, of the City of Toronto; praying that the Bill to define certain Road Allowances in the Township of Caledonia may not pass into Law.

Of the Montreal Board of Trade; praying for the passing of the Bill to amend the Laws concerning the Interest of Money.

Of E.M. Leprohon, Esquire, and others; praying for the restoration of certain rights and privileges conferred upon them, as Proprietors of Roads and Bridges, by Provincial Acts, or otherwise that they may be indemnified for the losses sustained by the deprivation of such rights and privileges.

Of A.F. Holmes, Esquire, M.D., and others, the Medical Faculty of McGill Col-

lege; praying that the Bill to repeal the 7th Section of the Act 10 & 11 Vic. cap. 26, by which every person upon whom a Medical Degree or Diploma may have been conferred, is entitled to practise without further examination, may not pass into Law.

Of Neil Munro and others, of the Townships of Mosa and Aldborough; praying that should a division of the County of Middlesex be deemed advisable, it may be made by a line running from north to south.

Of the Municipal Council of the County of York; praying for certain amendments to the Common School Act.

Of the Municipal Council of the County of York; praying that the system of granting Licenses for the making and sale of intoxicating Liquors may be embraced in one general Law, and that the power of granting such Licenses may be conferred upon the various Municipalities.

Of the Quebec Board of Trade; praying certain amendments to the Acts 12 Vic. c. 22, sec. 5 and 26, and 13 & 14 Vic. c. 27, sec. 7, so as to relieve certain parties from restrictions therein imposed with regard to Holidays which they are not obliged to observe by their own Religious faith.

Of the Quebec Board of Trade, and of Messieurs Allan Gilmour and Company, and others, merchants and manufacturers in the Timber Trade of Canada; praying that the Bill to explain a certain provision of the Lumber Act may not pass into Law.

Of Henry Wulff Trigge and others; praying that the Petition of Peter Patterson and others, for an extension of the Act authorizing the formation of Joint Stock Companies in Lower Canada, to Companies for the completion of Booms across the Rivers Bécancour, Gentilly, and Nicolet, be not granted in so far as relates to the River Nicolet.

Of the Reverend Henry Wilkes, D.D., President, and Samuel Phillips, Secretary, on behalf of the Protestant Board of Examiners for the District of Montreal; praying for certain amendments to the Education Law of Lower Canada.

Of Simon Lafrenière and others, Pilots between Quebec and Montreal; praying for the repeal of the fifteenth section of the Montreal Trinity House Act, so as to enable certain persons to obtain license to act as Pilots.

Of the Mayor and Corporation of the Town of Dundas; praying that no alteration be made in that clause of the Bill to alter the Territorial Divisions of Upper Canada, which confers upon the Reeves the right of selecting the County Town of their respective Counties.

Of William E. Twynam, Attorney at Law of the Province of New Brunswick, now resident at Toronto; praying for the passing of an Act to admit him to practise as an Attorney in Upper Canada.

Petition of
D. Currie
and others.

The Honorable Mr. Robinson moved, seconded by Mr. Malloch, and the Question being put, That the Petition of David Currie and others, of the Township of Mono, County of Simcoe, praying aid to open and improve a

Road from the south to the northwest corner of the said Township, be referred to the Committee of Supply;--It passed in the Negative.

Petitions
referred.

Ordered, That the Petition of William E. Twynam, Attorney at Law of the Province of New Brunswick, now resident at Toronto; the Petition of the Municipality of the Township of Wainfleet, (Great Cranberry Marsh); and the Petition of Jacob Ker and others, of the Township of Caistor, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of John R. Holden, Esquire, Mayor, on behalf of a public meeting of the Citizens of Hamilton, be referred to the Standing Committee on Miscellaneous Private Bills.

Provincial
Lunatic
Asylum.

Ordered, That the Return relative to the Petition of John Coppins containing various charges against the management of the Provincial Lunatic Asylum, with the proceedings thereon, which was presented on Friday last, be printed for the use of the Members of this House.

Thirteenth Report
of Committee on
Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Joseph Bettes and others, and of the Montreal and Vermont Junction Railway Company, and find that sufficient notice has been given in each case.

On the Petition of Thomas Ferguson and others, for amendments to the Act regulating the side lines in the 8th Concession of Edwardsburgh, Your Committee find that no notice has been given.

The Petition of the Reverend Enoch Wood and others, for an Act to incorporate the Connexional Society of the Wesleyan Methodist Church in Canada, does not

(140)

appear to Your Committee to require the publication of notice.

Replevin Law
Amendment Bill.

Mr. Lyon reported from the Select Committee on the Bill to amend and extend the Law relating to the remedy by Replevin in Upper Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for to-morrow.

On motion of Mr. Méthot, seconded by the Honorable Mr. Chabot,

Tonnage
Duties.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of altering the rates of Tonnage imposed on Vessels in certain cases.

The House accordingly resolved itself into the said Committee.

Mr. Notman took the Chair of the Committee;¹

On motion of MR. METHOT, the House went into Committee of the whole on amending the Act "to consolidate the laws relative to the powers of the Trinity House of Quebec, and for other purposes," and to alter the rates of tonnage imposed on vessels in certain cases. The hon. member made some explanations, but was inaudible in the gallery.² [He] moved to resolve, as the opinions of the Committee;³

1. That it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, chap. 114, intituled, "An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes" and notwithstanding any thing in the 8th section of the said Act, to declare that there shall be payable by the Master or Commander of any vessel, which shall leave the Port of Montreal, or the port of Quebec, after having proceeded to the Port of Montreal, for a post situated beyond the eastern limits of this Province, a sum of five pence for every ton measurement of such vessel, instead of the sum of two pence, as provided by the said section of the said Act.

2. That the Master or Commander of any new vessel, constructed in this Province, shall not be required to pay a higher sum than three pence per ton measurement of such vessel, when such vessel shall be proceeding on her first voyage from the port of Quebec to any port beyond the eastern limits of this Province.⁴

MR. AT. GEN. LAFONTAINE said a few words but was entirely inaudible.⁵

MR. CHRISTIE moved an amendment to the effect that it is expedient to relieve all⁶ sea⁷ vessels, visiting Montreal and Quebec from all light-dues and that the expenses of the lights be charged to the consolidated revenue.⁸ The expense was a little over £3000, and he submitted that it would be good policy to release the ships from the duty if the amount was £6000.⁹

In the conversation which ensued, the necessity of reducing the burthens on shipping was dwelt upon by some, while others insisted on the propriety of adjusting the relative positions of Quebec and Montreal, in regard to shipping arriving at one or the other of these ports.¹⁰

Several members made remarks on this subject expressing a wish that the government should take the matter under consideration, and that the committee should rise and ask leave to sit again.¹¹

MR. CHRISTIE assented to this, and put a motion to that effect.¹²

MR. INSP. GEN. HINCKS stated that¹³ the subject involved in the amendment had been more than once under the consideration of the government, who were strongly impressed with the necessity of doing all in their power to relieve the trade of the Province from burthens which now injure it and impede its progress; but they were in the meantime influenced by a regard to financial considerations, connected with the assimilation by the government, of a large source of expenditure.¹⁴ He would be willing to accede to the hon. member for Gaspé's views, but for apprehensions of the effect it would produce on the revenue.¹⁵ [He] said that beyond the question of the propriety of assuming a large sum not now chargeable on the consolidated revenue, the government had no objection to the project of the member for Gaspé.¹⁶

MR. METHOT said it was well known that one vessel could take the produce of the west to the seaboard through our own waters cheaper and in less time than it can be taken by any other route, but the difficulty was the high rate of insurance. He hoped the government would do something toward relieving the trade from the burthens upon it.¹⁷

A few remarks [came] from MR. H. SHERWOOD in favour of charging the light dues to the general revenue.¹⁸

(140)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Notman reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

Weights and Measures Bill
(L.C.).

Ordered, That Mr. Cauchon have leave to bring in a Bill to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to amend the Law relative to the inspection of Weights and Measures in

Lower Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Counsel for conducting Criminal Prosecutions Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to provide for the appointment of Counsel for conducting Criminal Prosecutions in the

Courts of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Bill relating
to Annual Reports
from Provincial
Officers.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to require certain Provincial Officers to make annual Reports to Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Union of Upper
and Lower
Canada.

Mr. Boulton of Toronto moved, seconded by the Honorable Mr. Papineau, and the Question being proposed, That this House do now resolve itself into a Committee, to take into consideration the following proposed Res-

olutions:--

1. That when the British Government pressed the Union of the Provinces of Upper and Lower Canada in 1840, much against the wishes of the People, the proceeding was justified as affording the readiest means of relieving Upper Canada from her financial difficulties, and restoring tranquillity to Lower Canada; and it was urged that by the establishment of a general Government more closely assimilated to that of Great Britain, the use of the same laws and the English language would unite the People by community of interest, and strengthen the feeling of attachment already existing to British Institutions and British connexion.

2. That the assent of the Representatives of the People of Upper Canada to the measure, was predicated on the continuance of the Seat of Government within the limits of the Upper Province.

3. That the assent of the People of Lower Canada was not sought, and could not have been expected upon any terms short of full justice to Lower Canada interests.

4. That the stipulation made on behalf of Upper Canada has been wholly disregarded; that the Union has signally failed in securing those objects to obtain which it was professedly brought about, and in their stead much jealousy and bitter feeling have been engendered between two Countries, from whose proximity of position and mutual dependence the kindest feelings should have been encouraged, and which, but for that uncalled for and unhappy interference, would undoubtedly have prevailed.

5. That the People of Upper Canada are linked by the strongest ties of attachment, interest, and origin to the Mother Country; and although in Lower Canada these relations are necessarily modified by the great preponderance of inhabitants of French extraction, there is every ground for assurance that a judicious adaptation of Laws and Institutions to the local and social requirements of the two sections of Canada respectively, would perpetuate the existing connexion with Great Britain, and ensure to the Colonies that protection and support best calculated to secure their happiness and promote their advancement.

6. That the rapid increase in wealth and population of the two sections of the Province, the yearly settlement of fresh tracts of country, the creation of new Districts, the Municipal arrangements, and the extension of the Judicial system consequent thereupon, demand ready access to and the constant attention of the Government; that the vast extent of territory embraced in the present limits of Canada from the Gulf of the St. Lawrence to Lake Superior, the existing form of central Government--requiring a reference to Head Quarters on

the smallest minutiae of detail, the difficulty of obtaining accurate information from remote settlements, the varied tenure of land, the social customs widely different, the frequently conflicting principles of Law and civil rights which obtain in the two sections of the Province, are well calculated to impede the action of Government and retard the advancement of the country.

7. That since the Union, every attempt to legislate for the People as a whole has been productive of dissatisfaction in one or other section of the Province, and each day's experience shows more clearly the impracticability of carrying out the scheme of the Union under its original conditions; that the provisions adapted to one section of the Province have been found wholly inapplicable or inoperative in the other, and that the system is gradually obtaining of legislating separately for Eastern and Western Canada, as two distinct and independent Provinces.

8. That the practical effect of the Union on this separate legislation is, too frequently, to place the governing power in the hands of the minority in one section of the Province, and thereby to create a growing dissatisfaction with a system of Government which offers under no circumstances a reasonable prospect of harmonious action.

9. That it is idle to expect that an ambulatory Governor and Council, alternate Parliaments, and shifting Offices, holding their sittings for broken and unequal periods in different parts of the Province, can fulfil any one condition essential to the harmonious working of a vigorous, stable, and impartial Government; that such a system is calculated, on the other hand, to unsettle men's minds; it opens the door to speculation and trickery, must necessarily be attended with loss of time and waste of public money, and result in serious injury to the

(141)

general interests of the Province.

10. That an humble Address be presented to Her Majesty, embodying the foregoing Resolutions, and praying that Her Majesty will be graciously pleased to take the present state of Her loyal Province of Canada into Her most serious consideration, with a view of securing to the British and French population respectively, the enjoyment of such Laws and Institutions as are most conformable to the customs, usages and habits of each, and best calculated to ensure their social and moral welfare.¹⁹

The honourable member²⁰ MR. W. BOULTON²¹ expressed his regret that the matter was not in the hands of some gentleman of more weight than himself; but as no gentleman on either side had deemed it his duty to introduce the subject, he felt it incumbent on him to bring it before the House, not with a view to an immediate severance of the Union that exists, but that an expression of opinion might be elicited as to the propriety either of perpetuating the alliance, or of dissolving the Union at some period, not very remote.²² The Union had not worked well, and he believed that nine tenths of the people of both sections of the Province were in favor of a dissolution.²³ He wished to have the opinions of the Hon. Attornies General, East and West, as both those gentlemen had expressed their desire to retire from public life. He believed there was a general opinion abroad that the Union had not worked well, and that its dissolution was only a matter of time.²⁴ The course of our legislation, as well as of public feeling, pointed to the conclusion that all parties regarded the existing arrangement as temporary. Nothing like harmony existed, and there was no prospect of an amalgamation of the principles and feelings of the two sections of the province.²⁵ There was no example of so large a country as Canada being under one executive, unless, perhaps Russia or China; so that, on the other side of the line, the same extent of country formed the border of seven distinct states.²⁶ It might be desirable to divide into more than two Provinces.²⁷ Not only had there

been no attempt to make the union permanent, but²⁸ all the legislation in this House proceeded upon the assumption that the Union was temporary²⁹ like the arrangement of the shifting seat of Parliament.³⁰ If the Legislature were to remove to Quebec, before the time at which the Crown stood pledged to convene it in Upper Canada, the first question that would come up for discussion would be a dissolution of the Union. If that were to be the case why not discuss the questions before going to Quebec.³¹ The early desire of the British Government evidently was to make Canada a British colony, and it was very improbable that there would have been two systems of laws in Canada, but for the breaking out of the American revolution³². We are hardly in a better condition than the colonists were shortly after the conquest. At the time of the Independence of the United States it was considered necessary to conciliate the French who were recently a conquered people³³. That led to the separation of the two Provinces and with it the misfortunes of the Province commenced³⁴, and the result was the introduction of two systems of laws; to prepare for which the dissolution of 1791 took place.³⁵ But for that event by this time both classes of the population would have done as they have done in Louisiana--they would have devised one uniform law for the entire Province.³⁶ It would have been infinitely better that we should have had only the French law, rather than the two systems of law that now prevailed, because there would then have been a possibility of forming a system applicable to the wants of the whole province, while at present the two sections were essentially distinct, each from the other.³⁷ Even now a considerable movement was taking place in Upper Canada, to assimilate the laws of that part of the Province to the French system. Mr. Boulton then gave a short account of the union of the two Provinces in 1837, which was done in opposition to the people of Upper Canada, as well as to those of Lower Canada, and without any previous opinion formed in the Imperial Parliament that such an union would have the effect of amalgamating the two populations.³⁸ In 1822 the people of Quebec and Montreal appealed to the home Government to unite the Provinces and a bill was introduced into Parliament for that purpose, but abandoned. The French sent home delegates to oppose the measure. In 1822 another effort was made to unite the Provinces, both of which protested against the Union.³⁹ [He showed] that as late as 1837, the Imperial Government felt that there were then insuperable obstacles to prevent such a course.⁴⁰ In 1838 the House of Assembly of Upper Canada protested against the Union⁴¹ and from then till now the people of Upper Canada were averse to any such measure.⁴² There was no constitutional government in Lower Canada when the Union was effected.⁴³ The object of the union was, nominally, to identify the wishes and interests of the whole Province and to assimilate, our institutions; but⁴⁴ he did not believe that the avowed object of the Union was the real one.⁴⁵ It was in reality purely of a political character.⁴⁶ It was clear from the report of Lord Durham that the real object was to swamp the French by the united votes of the English in both Provinces.⁴⁷ The object indeed was clearly seen to be, not to amalgamate, but to out-number the French population by the British population of the two Provinces.⁴⁸ He then read from a report of the Assembly of 1841, in which⁴⁹ the avowed intention ... of the Government⁵⁰ was declared to be to amalgamate the people of the two provinces⁵¹. Since the union he had looked in vain¹ [sic] for anything that would lead to a belief that an amalgamation of the⁵² two races⁵³ [of] people was deemed desirable or practical or that the leading men who had advocated the union were in earnest in their endeavours to bring it about.⁵⁴ No attempt of the kind had been made, and the union was still considered merely temporary⁵⁵ [by] both parties ... and the consequences were most prejudicial to all classes.⁵⁶ Whenever it suited both parties therefore it would be reasonable to expect the union would be dissolved.⁵⁷ Not only had no laws been brought in applicable to the whole Province,⁵⁸ not only had the French language not been

disused, as was intended,⁵⁹ nor any attempt made to extend the English language over the whole Province, but, on the contrary,⁶⁰ every act of legislation was now partial and separate, even upon the most important points. So true was this, that⁶¹ [it tends] manifestly to perpetuate hostile feelings on each side, and to excite an impression that each was diametrically opposed to the interests, of the other. The recent debate on the Usury Laws furnished striking evidence of the narrow policy which governed members in their public conduct⁶². The other night a gentleman in the other branch of the Legislature had given his consent to the repeal of the usury laws, if the repeal were applied to Upper Canada only. This, however, was not the worst; for it occasionally happened that the Lower Canadian majority absolutely prevented the will of the people of Upper Canada from taking effect; the votes on the Usury Law, and the Chancery Court, were examples of this fact⁶³ and every week gave similar instances; instances in which Lower Canada members obstructed measures for which Upper Canada, and Upper Canada members distinctly called. He could see no end to these conflicts, which would probably end in arraying the two sections in bitter hostility to each other. It was true, then, that the Legislature should consult the wishes and the welfare of the people, by considering what course was best to render the union a reality, or whether it should be dissolved, and two or three new provinces formed, each complete in itself.⁶⁴ He believed it was better to divide Lower Canada so as to give the French population a separate government and the British a separate government while Upper Canada might if desirable be divided into two Provinces.⁶⁵ The people of the two Provinces were too different in character to allow of a good amalgamation [*sic*]. In Lower Canada they were in favour of the maintenance of religion by aid from Government; in Upper Canada they were opposed to that system. In Upper Canada the people were in favour of a large system of education; in Lower Canada they were in some parts, at least, opposed to the school taxes.⁶⁶ The system of removing the Government every few years was a reason for reconsidering this question. In the little Province of Newfoundland the government granted £25,000 to encourage a line of steamers to England; a far better expenditure than that for the removal of the seat of government every few years.⁶⁷ [It] illustrated the costliness and the evil of the present transitory state which involved a neglect of the material interests of the Province, and a disregard of the exigencies of the period. While other colonies were expending money in the development of their resources, in various ways, Canada was wasting her substance in party squabbles, and expedients that could lead to no useful result.⁶⁸ Turning to another part of the subject, he said he would not stop, if the Union promised to be permanent, to ask who paid most duties; but at present he could not help looking at this part of the subject⁶⁹. In a pecuniary point of view Upper Canada would be a gainer by the dissolution of the Union.⁷⁰ Comparing the imports into Montreal with the exports thence to Upper Canada,⁷¹ he produced a calculation from which he drew the conclusion that of the import duties for 1851,⁷² it would be found that the people of the Western section of the Province paid two-thirds of the whole amount of duties; ... £400,000⁷³ [OR] £458,800 was paid by Upper Canada, and only about £200,000 by the Lower Province.⁷⁴ On the other hand the expenditure of money, was just the other way.⁷⁵ This fact, in conjunction with others of a similar character, could not fail to impress the people of Upper Canada with a sense of injustice especially, seeing the nature and extent of the grants which are made respectively, to the two sections of the Province.⁷⁶ In the estimates for 1854, over £16,000 is set down for Hospitals and Charities; and of this over £10,000 is to be paid to Lower and only £5,000 to Upper Canada. He did not propose to divide the Provinces just as they were previously disunited.⁷⁷ He, therefore, moved that the House should go into Committee of the whole upon the resolutions, of which he had given notice, mentioning, at the same time, his willingness to modify the resolutions in some particulars in order to avoid the

appearance of offence to Lower Canada, which offence he utterly disclaimed the intention of giving.⁷⁸

MR. CAUCHON moved the previous question.⁷⁹

MR. H. SHERWOOD was about to address the House, when there was a cry of no discussion?⁸⁰ [He] objected that this was unfair.⁸¹

MR. MORIN the SPEAKER said the motion was in accordance with the rules of the House; but it was a mode of proceeding he did not approve.⁸² [He] said he disliked the previous question, as a very illogical and unfair proceeding when one member had moved and another seconded such a motion as the present, to cut off all discussion. But it was upon the Rules and must be observed.⁸³ There could be no discussion on the main motion.⁸⁴

MR. CAUCHON said it was his right to make the motion, and he could not see why it should be unfair.⁸⁵

MR. SHERWOOD regretted that the hon. member would attempt to cut short the discussion on this important question⁸⁶ by such means as these.⁸⁷ He would not apprehend that the House would adopt these resolutions; but it was an unreasonable course thus to prevent all discussion. He hoped his hon. friend would withdraw his motion. He did not desire to retrograde in this manner. He regretted exceedingly, because this question was received among his own constituents with a good deal of favour and he was desirous to express his views upon it.⁸⁸

MR. MORIN the SPEAKER again said he disliked the moving of the previous question, as it was unfair to the hon. gentleman who brought forward the motion⁸⁹ [and] thought it would be well to rescind the rule which permits this kind of motion and prevents the whole House except the mover and seconder speaking.⁹⁰

MR. CAUCHON--is it according to the rule of the House?⁹¹

MR. MORIN the SPEAKER--Yes.⁹²

MR. CAUCHON--then I insist on my right.⁹³

MR. W. BOULTON thought it a most discourteous mode of meeting the question.⁹⁴ [He] objected to the unfairness of the motion. If every member was to stand upon his right, it was his right to move in adjournment for six weeks together when the government attempted to introduce the most important measures.⁹⁵

MR. H. BOULTON thought it a very remarkable thing that the previous question should be moved upon so important a subject.⁹⁶

MR. PAPINEAU remarked that the oldest member of the House could not remember a precedent for such a proceeding as this⁹⁷ [and] during the long experience the Speaker had had in Parliament, he would not find an example for such a precedent.⁹⁸ The rule was not intended to suppress discussion⁹⁹. Parliaments meet together for the purpose of discussing fully and freely whatever concerns the public good. This extreme rule of moving the previous question is allowed when the debates have become importunate from the length of the proceedings, or disorderly from the heat of the discussion of some members; but to propose it in limine looks like a combination; it looks as if members had laid their heads together and said they would prevent the discussion of a question that may affect their elections in a few weeks. He appealed to the Speaker if ever he had seen the previous question moved in such a measure until the present day. He had seen Parliaments have before them subjects more likely to create violent feelings than possibly could rise from the discussion of this one. The government ought to come forward in defence of the House if they did not wish this to be understood

as a move of their own.¹⁰⁰

Several other members expressed similar opinions.¹⁰¹

MR. INSP. GEN. HINCKS in answer to an enquiry, said that the motion had not been introduced at the instance of the government. The object of the present motion was to prevent the discussion of questions which it was not expedient to debate.¹⁰²

MR. CAUCHON said his object was merely to prevent a useless discussion.¹⁰³

MR. MERRITT understood, that¹⁰⁴ according to the Inspector General's doctrine, the previous question was a means for the majority to gag the minority, and stifle discussion.¹⁰⁵

SIR A. MACNAB said if the previous question were carried, the main question was then put without debate.¹⁰⁶

MR. MORIN the SPEAKER, on the demand of several hon. members explained, that the effect of the motion for the previous question was this: the motion must be put without discussion on the proposition before the House. If the motion were carried, the vote on Mr. Boulton's motion must be put without discussion. On the other hand, if the motion were lost, the whole subject was, for the time at least, lost. So that in any case the discussion would be stopped at once. Thus two members could at any time prevent debate upon any motion.¹⁰⁷

(141)

And the Previous Question being put, That that Question be now put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

*Messieurs Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cayley, Chauv-
eau, Crysler, Solicitor General Drummond, Fournier, Fourquin, Hincks, Holmes,
Jobin, Johnson, LaTerrière, Laurin, Letellier, Lyon, Malloch, Merritt, Morrison,
Notman, Papineau, Price, Robinson, Sanborn, Sauvageau, Sherwood of BROCKVILLE,
and Sherwood of TORONTO.--(28.)*

NAYS.

*Messieurs Armstrong, Badgley, Baldwin, Cartier, Cauchon, Chabot, Christie,
Dickson, Duchesnay, Dumas, Fortier, Guillet, Attorney General LaFontaine, Lemieux,
Solicitor General Macdonald, Macdonald of KINGSTON, Mackenzie, Sir Allan N. Mac-
Nab, McConnell, Méthot, Meyers, Mongenais, Nelson, Polette, Scott of TWO MOUNTAINS,
Stevenson, Taché, and Viger.--(28.)*

And the Votes being equally divided; Mr. Speaker gave his casting Vote in the Negative.

MR. MORIN the SPEAKER voted in the nays, not to stifle¹⁰⁸ discussion; he did not wish to do so,¹⁰⁹ but to prevent the question from being put without debate; for he was opposed to the previous question, except when employed in its legitimate manner; that was after personalities passed.¹¹⁰ He would vote against the previous question ... [so] that the hon. member might have an opportunity of bringing forward the resolutions at a future day.¹¹¹

(141)

*Bills of Exchange
and Promissory Notes
Bill, (L.C.).*

*Ordered, That Mr. Holmes have leave to bring in a Bill
to amend the Law in force in Lower Canada respecting
Bills of Exchange and Promissory Notes.*

*He accordingly presented the said Bill to the House, and the same was re-
ceived and read for the first time; and ordered to be read a second time on
Monday next.*

Bill to exempt
Firemen from
serving as
Jurymen.

Ordered, That Mr. Boulton of Toronto have leave to bring in a Bill to exempt Firemen in Cities, after a certain number of years service of such, from serving as Jurymen.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Clergy
Reserves.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, reported to the House, That their Address of the 1st July instant, respecting the Address to Her Majesty on the subject of the Clergy Reserves, had been presented to His Excellency the Governor General; and that His Excellency had been pleased to say, that he would transmit the Address to Her Majesty, to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

Answer to
Addresses.

The Honorable Mr. Hincks also reported to the House, that their Addresses of the 26th June last, and 3rd July instant, (that the Papers therein respectively mentioned might be laid before the House) had been presented to His Excellency the Governor General; and that His Excellency had commanded him to acquaint this House that he would give directions accordingly.

Bill relating to
a Road Allowance
in the Township
of York.

The Order of the day for the third reading of the engrossed Bill from the Legislative Council, intituled, "An Act to vest a certain allowance for Road, in the Township of York, in certain persons," being read;

Mr. Morrison moved, seconded by the Honorable Mr. Cayley, and the Question being put, That the Bill be now read the third time; 112

MR. COM. CR. LANDS PRICE, MR. NOTMAN, and others opposed the third reading of the Bill, MR. ROBINSON, MR. W. BOULTON, MR. INSP. GEN. HINCKS and MR. SHERWOOD, supported it. 113

(141)

the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morrison do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

Heir and
Devisee Bill.

An engrossed Bill to amend the Heir and Devisee Act of Upper Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Heir and Devisee Act."

Ordered, That Mr. Solicitor General Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

Land Surveyors'
Act Amendment
Bill.

Mr. Bell reported the Bill to amend the Land Surveyors' Act; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time to-morrow.

Bill relating
to the Fisheries
in the Gulf of
St. Lawrence.

The Order of the day for the second reading of the Bill to remove all doubts as to the right of Her Majesty's Subjects in Canada carrying on the Fisheries in the Gulf of St. Lawrence to land and occupy, for the necessary purposes thereof, any unoccupied places on the North Shore or Labrador, within the limits of the Province, they may deem suitable thereto, and freely to carry on their Fisheries thereat, being read;

Ordered, That the Bill be read a second time on Monday the twenty-first instant.

Navigation
Act.

The Order of the day for the House in Committee for the purpose of taking into consideration certain Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of a measure to extend the principles recognized in the late Navigation Act, to the natural productions of Canada, being read;

Ordered, That the said Order of the day be postponed until Tuesday the fifteenth instant.

Census Act
Amendment
Bill.

The Order of the day for the second reading of the Bill to amend the Act for taking the Census of this Province and obtaining statistical information therein, being read;

Mr. Notman moved, seconded by Mr. Fergusson, and the Question being proposed, That the Bill be now read a second time;114

MR. STEVENSON objected to the bill.115

MR. NOTMAN explained the bill at some length. He said his principal object for bringing in the bill was that if the unfortunate Reserves should ever come back here for division among all churches, which he hoped would not be the case, the Government would know the numerical strength of each church116 [and] in what proportion they should be divided.... The intention was to add to the census a column, in which might be entered the number of members in each family in actual communion with the church to which they professed to belong.117 He had no idea that any communicant of a church would refuse to tell to what church he belonged to.118 He added that there were many good people who, from conscientious motives, did not partake of the sacraments of their churches. He did not blame them; but he wanted to see how many loose fish there were.119

MR. W. BOULTON objected to the bill.120 [He] said the information sought for would lead to nothing. The hon. member admitted that many very faithful adherents to their churches were not communicants. How, then, could the number of the communicants be the test of the strength of the several churches?121 He said that they might as well ask whether a man said his prayers or not, and whether he said them standing or kneeling.122

MR. INSP. GEN. HINCKS objected to the bill, as it was intended to ascertain all the persons in actual communion with any church, and every person was to be bound to answer such questions as the enumerators shall choose to put to them, and even to ask how these persons discharge their religious duties.123

MR. MACKENZIE had been accused of giving popular votes, but on this occasion he would give a most unpopular vote, for he would hold up both his hands, if he was allowed to do so, in favor of the bill. He did not think there was a communicant of any church from the one end of Canada to the other, who would be ashamed of stating it. If he is ashamed of the kind of christianity he professes, it must be a very shabby sort of it.124

Some further conversation [ensued]125.

MR. INSP. GEN. HINCKS moved that the bill be read that day six months.¹²⁶

(141)

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Price, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. COM. CR. LANDS PRICE objected to the bill, as incalculable confusion would arise from it.¹²⁷ [He] said that if the object of the hon. member had reference to the division of the Clergy Reserves, it was really amost [*sic*] unfortunate measure. There were some churches, it was well known, who admitted to the communion every person not esteemed an immoral man. On the other hand, several churches admitted none to their communion unless after a distinct profession of conversion. Out of a congregation of 800 in these churches, there would, perhaps, be only 200 communicants. This estimate, then, would give to two or three churches the entire property of the Reserves;¹²⁸

MR. BADGLEY considered that the bill could not be worked out, although it was passed¹²⁹ and [he] pointed out that among Catholics, the children communicated at 11 or 12 years of age; so that in that church every child would count as a member to increase its claim.¹³⁰

MR. NOTMAN replied: he said his plan would not cost much trouble, and would only require the ruling of an additional column.¹³¹

MR. MERRITT could not see that the bill involved so much difficulty as the hon. Commissioner of Crown Lands had imagined.¹³²

(141)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Boulton of TORONTO, Bouthillier, Cartier, Chabot, Christie, Crysler, Dickson, Duchesnay, Fortier, Hincks, Holmes, Jobin, LaTerrière, Lemieux, Letellier, Macdonald of KINGSTON, Sir Allan N. MacNab, McConnell, Meyers, Morrison, Papineau, Price, Prince, Robinson, Sawageau, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Stevenson, and Wilson.--(31.)

(142)

NAYS.

Messieurs Fergusson, Guillet, Mackenzie, Merritt, and Notman.--(5.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Justices of the
Peace (U.C.)
Fees Bill.

The Order of the day for the second reading of the Bill to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the Reign of King William the Fourth, chapter seventeen, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Notman, Mr. Seymour, Mr. Stevenson, Mr. Fergusson, and Mr. Bell, to report thereon with all convenient speed.

Parishes,
Churches, &c.,
Erection Bill.

The Order of the day for the second reading of the Bill to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches and Church Yards in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Bouthillier, the Honorable Mr. Chabot, Mr. Fortier, Mr. Lacoste, and Mr. Polette, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill to authorize a second Term of the Superior Court to be held in the District of Gaspé.

The Order of the day for the House in Committee on the Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary, being read;

The House accordingly resolved itself into the said Committee.

Mr. Crysler took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Crysler reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Crysler reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time to-morrow.

Printing.

The Order of the day for the House in Committee on the First and Second Reports of the Standing Committee

on Printing, being read;

The House accordingly resolved itself into the said Committee.

Mr. Fournier took the Chair of the Committee;¹³³

On motion of MR. HOLMES, the House again went into Committee on 1st and 2nd reports of Standing Committee on Printing, recommending the distribution of the Journals to the County and Township Municipal Councils, at an estimated cost of £1000. The hon. member moved its adoption.¹³⁴

MR. H. SMITH (Frontenac) objected to the report on account of the expense, and also the fact that the works would not be read by the parties to whom they proposed to distribute them.¹³⁵

MR. ROBINSON followed, speaking to the same effect. He said that each of the members had three copies sent to him, and he might send copies to the Councils. He (Mr. R.) knew he did so.¹³⁶ [He] could see no necessity for the motion, which would entail considerable expense, without any corresponding advantage.¹³⁷

MR. CHABOT and MR. CAUCHON took the same view, the latter also remarking on the circumstance that the recommendation came from members who claim to be considered, par excellence, the economists of the House.¹³⁸

MR. LAURIN, following on the same side, moved that the Committee do rise.¹³⁹

MR. H. BOULTON of Norfolk spoke in favour of the motion. There was nothing the country more desired. The people should be possessed of the votes of their members¹⁴⁰ [and he] considered that the adoption of the report would give entire satisfaction to the people of Upper Canada, who would deem the information cheaply purchased at the price named. The recommendation could be obnoxious only to the members who were afraid to have their votes known.¹⁴¹

MR. MACKENZIE followed on the same side. He could understand why the Tories

desired to smother information but could not understand why liberals should.¹⁴² [He] was in favor of the widest circulation of the official record of parliamentary proceedings, and the statistics presented to parliament.¹⁴³ With regard to Tories he said¹⁴⁴ [that] the opposition to the report came from tories of the worst class--¹⁴⁵ in England they were a respectable class; but here they were an illegitimate set, good for nothing¹⁴⁶--men who had all the tryannical spirit of old-country tories, with none of their candour or generosity.¹⁴⁷

MR. H. SMITH ... having been alluded to by Mr. Mackenzie,¹⁴⁸ [replied] to some incidental observations of the last speaker¹⁴⁹. Mr. S. characterised the member for Haldimand as impertinent for stating that he was the misrepresentative of Frontenac¹⁵⁰, [and he] claimed to represent the feelings of the constituency that elected him more than any other member. With regard to the hon. member for Norfolk¹⁵¹ he did not think [that he] ... should complain of the votes not being circulated; as he was often absent from his place when votes were taken¹⁵² [and] it was understood that he often refrained from voting on ticklish questions.¹⁵³

MR. H. BOULTON denied this, and¹⁵⁴ challenged the hon. member for Frontenac to prove the assertion which he had made, presuming, perhaps, on his bulk. (Laughter.)¹⁵⁵ [He] said in effect that Mr. Smith was impertinent for the allusions he had made.¹⁵⁶

MR. G. SHERWOOD (Brockville,) supported the recommendation of the Printing Committee.¹⁵⁷

MR. INSP. GEN. HINCKS did the same¹⁵⁸ [and he] said that he entertained the views that he had at first stated¹⁵⁹. There were many papers which should be printed in the Appendices, but which interested the public generally very little. There were, however, many important documents, which should have the most extensive circulation.¹⁶⁰ He would vote for the adoption of the report and against the amendment of Mr. Laurin, that the Committee rise.¹⁶¹

COL. PRINCE approved of the report, with some modification.¹⁶² [He] spoke generally in favour of distributing the Journals; but only among County Municipalities.¹⁶³

MR. PAPINEAU regarded the objection to the report as a mere salvo, that would endure very little examination.¹⁶⁴ [He] was in favour of distributing the Journals, but thought¹⁶⁵ [that] many of the documents of the House might be shorn of much useless matter.... They nevertheless contained a mass of valuable information, the circulation of which would promote a true economy. It would be well to go beyond municipalities in the distribution, and to extend it to¹⁶⁶ some of the Colleges and other literary institutions¹⁶⁷ and other incorporated institutions which were likely to be of a permanent character.¹⁶⁸ The Fabriques of Quebec and Montreal, he believed, should have copies. The hon. member went on at some length to speak on the general question of the distribution of Parliamentary information.¹⁶⁹

MR. H. SHERWOOD supported the report, and he objected entirely to a Committee sitting on the Journals, to curtail them of information. He valued the expense as nothing, and deemed it of the first importance that the information contained in the Journals should be distributed among the County and Township Municipalities. He remarked incidentally on the prevention of the discussion on Mr. Boulton's resolutions this evening which he condemned, contending that what some members might think useless, or even injurious, might become of importance to the history of the country.¹⁷⁰

MR. CAUCHON thought that if this principle were to be acted upon to any considerable extent, a much larger sum must be expended in printing than was con-

templated in the report.¹⁷¹

DR. NELSON opposed the report of the Committee, and considered the proposed distribution useless.¹⁷² [He] contrasted the present proposal to expend money in the publication of parliamentary records, with the refusal, the other day, to grant £100 to sustain a meritorious charity in Toronto.¹⁷³ He contended that the reports of the public press were much more useful.¹⁷⁴ In his opinion, the newspapers gave all the information required, coupled with reports of the observations of honorable members.¹⁷⁵

MR. HOPKINS supported the proposition of distributing the reports. He could not reconcile the idea of Responsible Government with the rejection of the report. The recommendation contained in [it] ... was pregnant with benefit to the community.¹⁷⁶

MR. H. SMITH (Frontenac) moved an amendment confirming the original resolution for the distribution of the journals to County, City, Town and Village Municipalities, striking out the townships and parishes.¹⁷⁷

MR. HOLMES urged reasons in support¹⁷⁸ [and] the adoption of the Report.¹⁷⁹ Some further conversation followed.¹⁸⁰

COL. PRINCE (who had already spoken once) said¹⁸¹ in reply to Dr. Nelson¹⁸² --I cannot agree with the hon. member for Richelieu in his observations upon the Press. The Press give no honest report of our proceedings. I think they are a venal Press--that they are a press who are not honest unless they are paid. I speak loudly that if there is any reporter present amongst those fair ones, he may hear, and I say that they are a venal press, because they never report an honest man's speech, unless he pays them or sends his speech to their papers. Thank God, I am not the man who condescends to write a speech, and I thank God, too, that I have been very wrongly reported by them; for of all the meagre, miserable language that has ever been attributed to an independent member--not a servile one--the speeches which have been reported and attributed to the member for Essex, during the whole of this Parliament, have been the most meagre and the most contradictory that were ever conceived. Was there ever such stuff put into member's [sic] mouths? Why I stand up here the champion of the liberty of language, against what they call the fourth estate. The fourth estate is respectable, and is deserving of respect as long as it behaves respectfully, and in a manner deserving of the high position which it holds. And what position is that? To dwell upon the characters of public men in truthful language "not extenuating nor setting down aught in malice." But when you hear such stuff as I have been made to utter--when you find me speaking of Chief Justice Macaulay the other day, on the Chancery Bill, as if I were so ignorant of the profession that I did not know the distinction between Chief Justice Macaulay and Chief Justice Robinson, and when I read, day after day, a mere ridiculous memorandum of what I utter in the House (and I can appeal to my colleagues in the House, to say, that I am not much in the habit of uttering anything absurd;) when I say such papers as these--such mean, contemptible papers as, these of Upper Canada--do these things, I say don't let us pay any compliment to the press of Upper Canada. No sir, I speak as a man who ought to speak on these occasions; and if these papers are to be permitted to form a part and portion of this Assembly (a great privilege for them) in God's name let them report fairly, honestly, and at length, what an honest and a fair man speaks on the part of his constituents on questions before this House. The press of Upper Canada--why they are a pack of jackasses. (Loud Laughter.) I take their papers and read them, but they are not worth the reading. If you attend the House of Commons in England, you find that what a stout hearted man speaks, is published in the papers--not such pitiful, contemptible [sic] papers, as you have here.

(Laughter.) You cannot make an allowance for an English gentleman in this place. You have no idea of the distinction between an honest press and a dishonest one, because--I'll tell you why: perhaps a great portion of you send your speeches to the papers, which I never condescend to do. I have been always, and invariably, an advocate for the payment of reporters, that it might go forth to the world what the representatives of the people say on the floor of this House; but I have never been supported,--and perhaps 'tis right, for I seldom find one reporter capable of doing his duty properly. But when you find that there is a box stuck up there for a set of people to represent what we say--and when we look into the papers on the following day, and find no true report of what is uttered (except the members condescend to send to the papers what they say)--I say when I see the representatives of the people so treated by this press, I feel that they are beneath contempt. (Much laughter.)¹⁸³

After a pause, the House divided on the amendment¹⁸⁴.

(142)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fournier reported, That the Committee had come to a Resolution; which was read, as followeth:

Resolved, That it is expedient and proper, with a view to imparting to the People from a reliable source, full and correct information in regard to the proceedings of the Provincial Legislature, to provide for a more general distribution than now exists of the Journals and Appendices of the Legislature; and that therefore a sufficient additional number of said Journals and Appendices be printed and distributed in accordance with the recommendation of the Standing Committee on Printing--one complete copy to each of the Municipal Councils now or hereafter to be erected throughout the Province; and that pending the establishing of the said Councils in Lower Canada, an equal number be provided for that section as for Upper Canada, to be distributed in the several Townships and Parishes, under the supervision of the Clerk of this House.

The said Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Bell, Boulton of TORONTO, Burritt, Cartier, Christie, Crysler, Dickson, Solicitor General Drummond, Fergusson, Hall, Hincks, Holmes, Hopkins, Jobin, Johnson, Attorney General LaFontaine, Lyon, Solicitor General Macdonald, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Prince, Sanborn, Sauvageau, Sherwood of BROCKVILLE, Stevenson, Taché, and Wilson.--(37.)

NAYS.

Messieurs Armstrong, Chabot, Chauveau, Duchesnay, Dumas, Fortier, Fournier, Guillet, Lacoste, LaTerrière, Laurin, Lemieux, Letellier, Polette, and Scott of TWO MOUNTAINS.--(15.)

So it was resolved in the Affirmative.

Orders deferred.

The Honorable Mr. Hincks moved, seconded by Mr. Solicitor General Drummond, and the Question being put, That the remaining Orders of the day be postponed until to-morrow; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Badgley, Bell, Boulton of TORONTO, Cauchon, Chabot, Chauveau, Christie, Crysler, Dickson, Solicitor General Drummond, Dumas, Fergusson, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Lacoste, Attorney General La-Fontaine, Laurin, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Méthot, Nelson, Notman, Papineau, Price, Prince, Robinson, Sauvageau, Sherwood of BROCKVILLE, Sherwood of TORONTO, Stevenson, and Taché.-- (38.)

NAYS.

Messieurs Armstrong, Burritt, Cartier, Duchesnay, Hopkins, Johnson, La-Terrière, Lemieux, Lyon, Mackenzie, Malloch, McConnell, Mongenais, Morrison, Polette, Sanborn, Scott of TWO MOUNTAINS, and Wilson.--(18.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Cauchon, seconded by Mr. Laurin,
The House adjourned.185

FOOTNOTES: 7 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: MONTREAL TRANSCRIPT, 8 July 1851, and OTTAWA CITIZEN, 12 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 8 July 1851, and JOURNAL DE QUEBEC, 8 July 1851. The debate was also reported by: GLOBE, 8 July 1851; and EXAMINER, 9 July 1851.
2. BRITISH COLONIST, 8 July 1851.
3. EXAMINER, 9 July 1851.
4. BRITISH COLONIST, 8 July 1851.
5. IBID.
6. IBID.
7. GLOBE, 8 July 1851.
8. BRITISH COLONIST, 8 July 1851.
9. EXAMINER, 9 July 1851.
10. GLOBE, 8 July 1851.
11. BRITISH COLONIST, 8 July 1851.
12. IBID.
13. IBID.
14. GLOBE, 8 July 1851.
15. BRITISH COLONIST, 8 July 1851.
16. EXAMINER, 9 July 1851.
17. IBID.
18. BRITISH COLONIST, 8 July 1851.
19. The following papers reported the debate on this matter in identical accounts: GLOBE, 8 July 1851, NORTH AMERICAN (Weekly), 11 July 1851, PILOT, 12 July 1851, and BATHURST COURIER, 15 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 8 July 1851, MORNING CHRONICLE, 9, 12 July 1851, BRITISH WHIG, 9 July 1851, MONTREAL GAZETTE, 9, 12 July 1851, PILOT, 10 July 1851, MONTREAL TRANSCRIPT, 10 July 1851, OTTAWA CITIZEN, 12 July 1851, and JOURNAL DE QUEBEC, 10 July 1851. The debate was also reported by: GLOBE, 8 July 1851, in a separate account; EXAMINER, 9 July 1851; and MONTREAL GAZETTE, 11 July 1851.
20. GLOBE, 8 July 1851.
21. BRITISH COLONIST, 8 July 1851.
22. GLOBE, 8 July 1851.
23. EXAMINER, 9 July 1851.
24. BRITISH COLONIST, 8 July 1851.
25. GLOBE, 8 July 1851.
26. BRITISH COLONIST, 8 July 1851.
27. EXAMINER, 9 July 1851.
28. BRITISH COLONIST, 8 July 1851.
29. EXAMINER, 9 July 1851.
30. BRITISH COLONIST, 8 July 1851.
31. EXAMINER, 9 July 1851.
32. BRITISH COLONIST, 8 July 1851.
33. EXAMINER, 9 July 1851.
34. BRITISH COLONIST, 8 July 1851.
35. EXAMINER, 9 July 1851.
36. BRITISH COLONIST, 8 July 1851.
37. GLOBE, 8 July 1851.
38. BRITISH COLONIST, 8 July 1851.
39. EXAMINER, 9 July 1851.

40. GLOBE, 8 July 1851.
41. EXAMINER, 9 July 1851.
42. GLOBE, 8 July 1851.
43. EXAMINER, 9 July 1851.
44. GLOBE, 8 July 1851.
45. EXAMINER, 9 July 1851.
46. GLOBE, 8 July 1851.
47. EXAMINER, 9 July 1851.
48. BRITISH COLONIST, 8 July 1851.
49. EXAMINER, 9 July 1851.
50. BRITISH COLONIST, 8 July 1851.
51. EXAMINER, 9 July 1851.
52. GLOBE, 8 July 1851.
53. EXAMINER, 9 July 1851.
54. GLOBE, 8 July 1851.
55. EXAMINER, 9 July 1851.
56. GLOBE, 8 July 1851.
57. BRITISH COLONIST, 8 July 1851.
58. GLOBE, 8 July 1851.
59. EXAMINER, 9 July 1851.
60. GLOBE, 8 July 1851.
61. BRITISH COLONIST, 8 July 1851.
62. GLOBE, 8 July 1851.
63. BRITISH COLONIST, 8 July 1851.
64. GLOBE, 8 July 1851.
65. EXAMINER, 9 July 1851.
66. BRITISH COLONIST, 8 July 1851.
67. EXAMINER, 9 July 1851.
68. GLOBE, 8 July 1851.
69. BRITISH COLONIST, 8 July 1851.
70. EXAMINER, 9 July 1851.
71. BRITISH COLONIST, 8 July 1851.
72. EXAMINER, 9 July 1851.
73. BRITISH COLONIST, 8 July 1851.
74. EXAMINER, 9 July 1851.
75. BRITISH COLONIST, 8 July 1851.
76. GLOBE, 8 July 1851.
77. EXAMINER, 9 July 1851.
78. BRITISH COLONIST, 8 July 1851.
79. GLOBE, 8 July 1851.
80. BRITISH COLONIST, 8 July 1851.
81. EXAMINER, 9 July 1851.
82. IBID.
83. BRITISH COLONIST, 8 July 1851.
84. EXAMINER, 9 July 1851.
85. BRITISH COLONIST, 8 July 1851.
86. GLOBE, 8 July 1851.
87. BRITISH COLONIST, 8 July 1851.
88. GLOBE, 8 July 1851.
89. IBID.
90. EXAMINER, 9 July 1851.
91. IBID.
92. IBID.
93. IBID.
94. GLOBE, 8 July 1851.

95. EXAMINER, 9 July 1851.
96. GLOBE, 8 July 1851.
97. BRITISH COLONIST, 8 July 1851.
98. GLOBE, 8 July 1851.
99. BRITISH COLONIST, 8 July 1851.
100. GLOBE, 8 July 1851.
101. IBID.
102. EXAMINER, 9 July 1851.
103. BRITISH COLONIST, 8 July 1851.
104. IBID.
105. EXAMINER, 9 July 1851.
106. IBID.
107. BRITISH COLONIST, 8 July 1851.
108. IBID.
109. GLOBE, 8 July 1851.
110. BRITISH COLONIST, 8 July 1851.
111. GLOBE, 8 July 1851.
112. The following papers reported the debate on this matter in identical accounts: GLOBE, 8 July 1851, NORTH AMERICAN (Weekly), 11 July 1851, and PILOT, 12 July 1851.
113. GLOBE, 8 July 1851.
114. The following papers reported the debate on this matter in identical accounts: GLOBE, 8 July 1851, PILOT, 12 July 1851, BATHURST COURIER, 15 July 1851; BRITISH COLONIST, 8 July 1851, and NORTH AMERICAN (Weekly), 11 July 1851.
115. PILOT, 12 July 1851.
116. IBID.
117. BRITISH COLONIST, 8 July 1851.
118. PILOT, 12 July 1851.
119. BRITISH COLONIST, 8 July 1851.
120. PILOT, 12 July 1851.
121. BRITISH COLONIST, 8 July 1851.
122. PILOT, 12 July 1851.
123. IBID.
124. IBID.
125. BRITISH COLONIST, 8 July 1851.
126. IBID. The following papers noted in error that Mr. Price moved the amendment: GLOBE, 8 July 1851, PILOT, 12 July 1851, and BATHURST COURIER, 15 July 1851.
127. PILOT, 12 July 1851.
128. BRITISH COLONIST, 8 July 1851.
129. PILOT, 12 July 1851.
130. BRITISH COLONIST, 8 July 1851.
131. IBID.
132. PILOT, 12 July 1851.
133. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 8 July 1851, NORTH AMERICAN (Weekly), 11 July 1851, PILOT, 12 July 1851, and BATHURST COURIER, 15 July 1851. The debate was also reported by: GLOBE, 8 July 1851, in a separate account; BRITISH COLONIST, 8 July 1851; and MONTREAL GAZETTE, 11 July 1851.
134. BRITISH COLONIST, 8 July 1851.
135. PILOT, 12 July 1851.
136. BRITISH COLONIST, 8 July 1851.
137. PILOT, 12 July 1851.
138. IBID.

139. IBID.
140. BRITISH COLONIST, 8 July 1851.
141. PILOT, 12 July 1851.
142. BRITISH COLONIST, 8 July 1851.
143. PILOT, 12 July 1851.
144. BRITISH COLONIST, 8 July 1851.
145. PILOT, 12 July 1851.
146. BRITISH COLONIST, 8 July 1851.
147. PILOT, 12 July 1851.
148. BRITISH COLONIST, 8 July 1851.
149. PILOT, 12 July 1851.
150. BRITISH COLONIST, 8 July 1851.
151. PILOT, 12 July 1851.
152. BRITISH COLONIST, 8 July 1851.
153. PILOT, 12 July 1851.
154. BRITISH COLONIST, 8 July 1851.
155. PILOT, 12 July 1851.
156. BRITISH COLONIST, 8 July 1851.
157. PILOT, 12 July 1851.
158. IBID.
159. BRITISH COLONIST, 8 July 1851.
160. PILOT, 12 July 1851.
161. BRITISH COLONIST, 8 July 1851.
162. PILOT, 12 July 1851.
163. BRITISH COLONIST, 8 July 1851.
164. PILOT, 12 July 1851.
165. BRITISH COLONIST, 8 July 1851.
166. PILOT, 12 July 1851.
167. BRITISH COLONIST, 8 July 1851.
168. PILOT, 12 July 1851.
169. BRITISH COLONIST, 8 July 1851.
170. IBID.
171. PILOT, 12 July 1851.
172. BRITISH COLONIST, 8 July 1851.
173. PILOT, 12 July 1851.
174. BRITISH COLONIST, 8 July 1851.
175. PILOT, 12 July 1851.
176. BRITISH COLONIST, 8 July 1851.
177. IBID.
178. PILOT, 12 July 1851.
179. BRITISH COLONIST, 8 July 1851.
180. IBID.
181. PILOT, 12 July 1851.
182. BRITISH COLONIST, 8 July 1851.
183. PILOT, 12 July 1851. A commentary on Col. Prince's attack on the press and a similar attack made by Mr. H. Sherwood appears in Footnote 59 of 8 July 1851.
184. PILOT, 12 July 1851.
185. IBID., reported that the House adjourned "at a quarter past ten."

TUESDAY, 8 JULY 1851.

(142)

Education
Report (L.C.).

MR. Speaker laid before the House, the Report of the Superintendent of Education for Lower Canada, for the years 1849-1850.

Appendix (K.K.)

For the said Report, see Appendix (K.K.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of J.L. Jacobs and others, of Bytown.

By Mr. Malloch,--The Petition of J.L. Jacobs and

By Mr. Chauveau,--The Petition of D. Burnet, Esquire, and others interested in the Lumber Trade.

By Mr. Méthot,--The Petition of the Municipal Council of the County of Belle-chasse.

(143)

By the Honorable Mr. Papineau,--The Petition of L.J. Godin, Esquire, and others, of Fief St. Etienne, County of St. Maurice.

By Mr. Stevenson,--The Petition of the Reverend Thomas Bonsfield and others, of Picton, County of Prince Edward.

Fifth Report of
Committee on
Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other purposes therein mentioned, and also the Bill to provide for the establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec; and they have agreed to certain amendments to each of the said Bills, which they beg leave to recommend for the consideration of Your Honorable House.

Montreal Diocese
Temporalities Bill.

Ordered, That the Bill to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and

for other purposes therein mentioned, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

Church of
England
Society Bill
(L.C.).

Ordered, That the Bill to provide for the establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec, as reported

from the Standing Committee on Miscellaneous Private Bills be committed to a Committee of the whole House, for to-morrow.

First Report of
Committee on
Contingencies.

Mr. Bell, from the Standing Committee on Contingencies, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee, in pursuance of the duty assigned them, have examined the Accounts in detail, and the Vouchers for the payment of the ordinary and Contingent Expenses of Your Honorable House, from the 18th of May, 1850, to the 26th of May, 1851, as laid before them by the Clerk, and they

find the whole amount of expenses for that period, a little more than a year, to be Thirty-one thousand three hundred and thirty-six pounds eighteen shillings and two pence, composed of the following items, viz:--

1. Indemnity to Members, 12 Vic. cap. 33	£ 7,908	9	2
2. Salaries to the Officers of the House	5,620	0	0
3. Extra Writers and Messen- gers	1,680	18	9
4. Expenses of Committees	87	10	0
5. Library	1,072	5	3 $\frac{1}{2}$
6. Printing, Printing Paper, and Binding	10,148	7	6 $\frac{1}{2}$
7. Stationery	261	11	8 $\frac{1}{2}$
8. Postage (part of which was for 1849)	2,391	15	9
9. General Accounts	1,344	10	3
10. Newspapers and Advertizing	466	16	2 $\frac{1}{2}$
11. Petty Expenses and Incidental Charges	354	13	8
	<hr/>		
	£31,336	18	2

Leaving a balance in the hands of the Clerk, of Five thousand and ninety-four pounds six shillings and five pence, on the 26th May last, of monies advanced to him between 18th May, 1850, and 12th August, 1850, as will be seen by the following Statement, viz:--

1850.

May 18.--Balance in hand, per last audit	£ 480	0	11
Amount paid by Government to the Postmaster at <u>Montreal</u> , prior to the date of balance	124	4	7
June 14.--Warrant D, No. 748. Address of 12th June, 1850	5,000	0	0
" 21.--Warrant D, No. 818. On account of Indemnity to Members	1,500	0	0
July 27.--Warrant D, No. 1296. Address of 23d July, 1850	5,000	0	0
Aug. 6.--Warrant D, No. 1368. Balance of Estimate for Indemnity to Members	7,192	0	0
Aug. 12.--Warrant D, No. 1392. Address of 8th August, 1850	16,654	19	1
Fees on Twenty-four Private Bills, £20 each	480	0	0
	<hr/>		
	£36,431	4	7
Deduct Expenses, as above,	31,336	18	2
	<hr/>		
Balance in hand on 26th May, 1851,	£ 5,094	6	5

The sixth item for Printing, Printing Paper, and Binding, in the above account, is made up of the following particulars, viz:--

Printing Sessional Bills and Papers	£ 4,955	2	6 $\frac{1}{2}$
Printing Paper (about 2033 reams)	1,564	15	9
Printing Journals in English and French	3,395	11	0
Binding Journals and Appendices	232	18	3
	£10,148	7	6 $\frac{1}{2}$

To the balance in the hands of the Clerk, may be added the sum of Four hundred and eighty-one pounds nineteen shillings and two pence, authorized to be returned by the Library Committee out of the Parliament Grant of Two thousand pounds made during the last Session for the benefit of the Library, on account of the disbursements made by the Clerk, under the fifth item, as above.

It will be observed that there is an item of Four hundred and sixty-six pounds sixteen shillings and two pence half-penny, which is made up principally of charges for publishing the Rules of the House, in a great number of Newspapers in different parts of the Province. By a Resolution, as recommended by the Committee on Contingencies in their First Report for 1850, the publication of these Rules will in future be dispensed with in all the Newspapers, except the Canada Gazette, so that the principal part of this item of expense will, for the future, be saved.

A considerable saving will also be effected on the price of Newspapers, the extra number taken for the Session being reduced from five to three.

The balance which was in the hands of the Clerk, on the 26th May last, having been nearly exhausted by advances to meet the expenses of the current quarter and the Contingencies of the present Session, Your Committee recommend

(144)

that an Address be presented to His Excellency the Governor General for the sum of Five thousand pounds, on account of the current expenses of the present Session.

[See Account on following page.]

Ordered, That the said Report be printed for the use of the Members of this House.

On motion of Mr. Bell, seconded by Mr. Christie,

Contingencies.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five thousand pounds Currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Petition referred.

Ordered, That the Petition of William P. McLaren and others, of the City of Hamilton, be referred to the Standing Committee on Standing Orders.

Post Office.

Ordered, That the Return relative to the Post Office, which was presented on the 30th day of June last, be printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Public Deposits.

Ordered, That the Return relative to the Public Deposits, which was presented on the 10th of June last, be

ACCOUNT CURRENT of William Burns Lindsay, Esquire, Clerk of the Legislative Assembly, of the Monies received and disbursed by him as Contingencies, from 18th May, 1850, to 26th May, 1851, inclusive.

1850		£	s.	d.	1849		£	s.	d.	£	s.	d.
May 18	To Balance in hand.	480	0	11	October 5	Post Office Account, settled by the Government						
	Amount paid by the Government to the Post Master at Montreal, prior to the date of the above balance.	142	4	7		By paid Indemnity to Members, 12 Vic. c. 33	7908	9	0	124	4	7
June 14	Warrant D, No. 748, Address of 12th June, 1850	5000	0	0		By paid Salaries to Officers of the House	5620	0	0			
do 21	Warrant D, No. 818, on Account of Indemnity to Members	1500	0	0		By paid Extra Writers and Messengers	1680	18	9			
July 27	Warrant D, No. 1296, Address of 23rd July, 1850	5000	0	0		By paid Expenses of Committees	87	10	0			
August 6	Warrant D, No. 1368, Balance of Estimate for Indemnity to Members	7192	0	0		By paid Library	1072	5	3½			
do 12	Warrant D, No. 1392, Address of 8th August, 1850	16654	19	1		By paid Printing and Binding Journals	10148	7	6½			
						By paid Stationery	261	11	8½			
						By paid Postage, and General Accounts	3612	1	5			
						By paid Newspapers and Advertising	466	16	2½			
						By paid Petty Expenses and Incidental Charges	354	13	8			
3rd Sess., 3rd Parlt., 1850	Amount of Fees on twenty-four Private Bills, at £20 each	480	0	0	1851 May 26	Total disbursements				31212	13	7
						Balance in hands of the Clerk				31336	18	2
										5094	6	5
										36431	4	7

NOTE:--The Balance in the hands of the Clerk of £5094 6s. 5d., is in part met by the sum of £713 11s. 6d. being carried forward as new disbursements in the current Account of the Clerk, the said sum of £713 11s. 6d. being on account of the Officers for the current Quarter.

printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Clergy
Reserves.

Ordered, That the Return relative to the Clergy Reserves, which was presented on Thursday last, be printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Banks and
Assurance
Companies.

Ordered, That the several Statements of the Affairs of the Banks, Savings Banks, and Insurance Companies, which were presented on the 3rd, 12th, 15th, 17th, 18th, 20th, and 23rd of June last, and 1st instant, be printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Division Courts,
General Fee Fund,
and Indian
Annuities, &c.

Ordered, That the Return relative to the Division Courts, General Fee Fund, and Indian Annuities, &c., which was presented on Friday last, be printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Ingrossing and
Inrolling Bills.

Ordered, That the Message of His Excellency the Governor General relating to the Ingrossing and Inrolling of Bills, and the accompanying documents, laid before the House on the thirtieth of June last, be referred to the Committee of the whole House on the Fourth Report of the Standing Committee on Printing.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Scott of Two Mountains,

Revision of the
Statutes and
Ordinances.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of presenting an humble Address to His Excellency the Governor General, for the appointment of a Commission to revise the Statutes and Ordinances of this Province, or of either section thereof.

(145)

The House accordingly resolved itself into the said Committee.

Mr. Holmes took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Holmes reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

County of
York Courts
Bill.

Ordered, That Mr. Solicitor General Macdonald have leave to bring in a Bill to alter the periods for holding certain Courts in the County of York.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Bill relating to
Foreign
Executors, &c.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to remove doubts regarding the right and liberty of Foreign Executors, Administrators, and Corporations, to sue and be sued in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

Friday next.

Municipal
Corporations
Act (U.C.)
Amendment
Bill.

Ordered, That the Honorable Mr. Baldwin have leave to bring in a Bill to amend the Upper Canada Municipal Corporations Act of 1849, by adapting the same to the late change in the Upper Canada Assessment Laws, and for other purposes relating to the Municipal Corporations of that section of the Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of the Honorable Mr. Hincks, seconded by Mr. Solicitor General Drummond,

River Police.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of establishing a River Police at Quebec and Montreal.¹

Before the House went into committee, MR. H. BOULTON complained of the motion, inasmuch as Upper Canada paid for all the expenses of Police out of local taxation; there was, therefore, nothing reasonable in taxing the Province to pay similar expenses in Lower Canada.²

MR. CAUCHON, in remarks which created a good deal of amusement, pointed out that there was nothing in the Government proposition to impose any tax upon the people of the Province. The tax would be levied only upon the shipping, who were the parties that desired to have the police.³

(145)

*The House accordingly resolved itself into the said Committee.
Mr. Wilson took the Chair of the Committee;*

MR. INSP. GEN. HINCKS, in moving the resolution, ... [declared] the propriety of establishing a Water Police at Quebec, [and he] said that hitherto the shipowners of Quebec had paid a certain tax upon each ton of shipping, and that this tax had been paid through the Board of Trade. Unfortunately, there had been a quarrel between the shipowners and the Board of Trade, and the former had applied to the Government to manage the collection and disbursement of this fund.⁴

MR. H. BOULTON still objected to this manner of maintaining the police, alleging that to levy a tax on the shipping, was in fact to levy a tax on the trade--therefore, on the people of the entire country.⁵

MR. MERRITT entirely objected to the motion, and contended that such police forces were not known any where else. He did not know why the country should be called upon to pay for a police force in the cities of Quebec and Montreal.⁶

MR. AT. GEN. LAFONTAINE said the hon. gentleman would not object if the Police were for the Welland Canal: and went on to say that the localities of Quebec and Montreal might not be the only ones to require such protection, in view of the proposed Railways. He taunted Mr. Merritt with having voted for a Police on the Welland Canal.⁷

MR. MERRITT denied this, and stated that he had divided the House against it.⁸

A few more remarks [came] from MR. CAUCHON.⁹

MR. HOLMES supported the motion, and contended for the necessity of the Water

Police. He said that he had known in the month of June last that three American vessels were boarded, the captains abused, and their cabins rifled, while there was no protection at hand; as the Municipal Police could not interfere. Those captains had stated they would never come to Montreal again. He stated that such a measure as that proposed in the motion before the claim was very much desired by the shipping interests of Montreal.¹⁰

MR. H. SHERWOOD spoke at some length against the motion, contending against the principle of the general revenue being required to pay the expenses of local police.¹¹

MR. CHAUVEAU argued that the police in this case was not required for local protection, but for the protection of the shipping interests, which affected the whole Province.¹²

MR. CHABOT argued in the same way as Mr. Hincks had done, pointing out that neither the cities of Montreal nor Quebec could change the laws regulating the shipment of seamen, which laws at present created much of the difficulty which these police were required to remedy.¹³

MR. CHRISTIE, in answer to some previous remarks, said there was no city in America where there was not a tax for the water police, and that Quebec being the seaport of the whole Province might justly be considered liable, and was indeed necessarily charged, in one shape or other, for the water police. The tax for police was in fact an insurance for the shipping, for it saved a far greater loss by preventing disorders among shipping.¹⁴

(145)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Wilson reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

Debtors.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 3rd ultimo, praying His Excellency to cause to be laid before the House, a Return shewing, 1st, the name of each person now in close confinement for debt, or for defaults in payment of Law costs, in the Prisons of Upper Canada; how long he has been thus imprisoned, the sums for which he is thus detained, and at whose expense maintained: 2nd, the number of persons now on bail, in civil cases, upon the Gaol limits in each of the several Counties or Union of Counties, so far as the said information can be conveniently and readily obtained from the proper authorities.

Appendix (L.L.)

For the said Return, see Appendix (L.L.)

Payments made
and Lands granted
to Religious Denom-
inations, &c.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 27th July, 1850, praying His Excellency to cause to be laid before the House, a full and complete Statement of all monies paid to Religious Denominations, Churches, Congregations, or individual Ministers of Religion, or the widows or families of Ministers, from the year 1814 to 1840 inclusive, specifying the names of the parties receiving, the dates, and amount paid to each, shewing from what fund the same was paid, whether from the Casual and Territorial Revenue, or from the proceeds of sales or rent of Clergy Reserves, or from any other public fund whatever; also, a similar Statement of all grants of lands of whatever description made to the various Religious Denominations, Churches,

Congregations, or individual Ministers of Religion, for any purpose or pretension whatever, shewing the nature and terms of the same, the date of the grant, and extent of land so given, made, or granted in each respective case, with the name or names of the party or parties receiving the same.

Appendix (M.M.)

For the said Return, see Appendix (M.M.)

Ordered, That the two last preceding Returns be printed in octavo, for the use of the Members of this House, under the direction of the Standing Committee on Printing.

Jurors Bill
(L.C.).

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to amend an Act, intituled, "An Act to regulate the summoning of Jurors

in Lower Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Petition of J.
Busque and
others.

Ordered, That the Petition of Joseph Busque, Esquire, and others, of the Parish of St. François de la Beauce, County of Dorchester, be printed for the use of the Members of this House.

Land Surveyors Act
Amendment Bill.

An engrossed Bill to amend the Land Surveyors' Act, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act concerning Land Surveyors."

Ordered, That the Honorable Mr. Price do carry the Bill to the Legislative Council, and desire their concurrence.

Bill to
authorize a
Second Term of
the Superior
Court to be
held in the
District of
Gaspé.

An engrossed Bill to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, so soon as the Grand Juries thereof shall represent the same to be necessary, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize a Second Term of the Superior Court annually in the District of Gaspé, and for the better administration of Justice therein."

Ordered, That Mr. Christie do carry the Bill to the Legislative Council, and desire their concurrence.

Bill relating to
Summary Con-
victions.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Bill relating to
Indictable
Offences.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to persons charged with indictable offences, being read;

The Bill was accordingly read a second time; and committed to a Committee

(146)

of the whole House, for Friday next.

MR. COM. CR. LANDS PRICE¹⁵ then moved the second reading of the Penitentiary Bill.¹⁶

(146)

Penitentiary
Management Bill.

The Order of the day for the second reading of the Bill for the better management of the Provincial Penitentiary, being read;

MR. COM. CR. LANDS PRICE entered at some length into the history of the Penitentiary, and made explanations of the nature of the bill.¹⁷ He said that this subject was one of the most important which could occupy the attention of the House. The object of the punishment was to check crime and improve the criminal, and this had been attempted by all sorts of punishments, each of which had had its advocates. Society was too apt to look with vindictive feelings on those who committed heinous offences, and too often forget the circumstances which led to the commission of these offences. It happened not unfrequently, indeed, that the inmates of the prisons were persons who committed the first offence, and if all the prisons which spanned the earth were examined, many such persons would be found, who confined for the first time, would if restored to society become useful to their neighbours. The separate system had been very commonly practised in Europe, and on this continent, nor did it appear that Canada had been behind other countries in the attempts to put this subject on a proper footing. Here the hon. member gave a short history of the creation of the present Penitentiary at Kingston; for which £12,000 were voted. It was in 1834 that the Penitentiary was first opened for the reception of prisoners, and in fourteen years, the following number of prisoners were received, viz.:—In 1834, 55; in 1835, 81; in 1836, 123; in 1837, 154; in 1838, 148; in 1839, 153; in 1840, 151; in 1841, 151; in 1842, 104; in 1843, 286; in 1844, 384; in 1845, 478; in 1846, 480; in 1847, 468; and in 1848, 454; military prisoners having been confined during the last six years. In the same period, as he understood the punishments had increased from 78 the first year, to upwards of 5,000 in 1848. In that year complaints were made by parties who took an interest in the management of the Penitentiary, which led to the issuing of a commission of inquiry, whose investigation led to the removal of the late Warden. Subsequently two of the Commissioners were directed to go to the United States, in order to ascertain what systems of management prevailed there, in order to devise a new system for Canada. They reported that though the separate system had been found to work well in some cases, upon the whole it appeared to have created a great many cases of insanity. He then read a number of extracts from the report of the Commissioners on the Prisons of the United States. The Commissioners, therefore, recommended that the Inspectors of the Penitentiary should have the power to place the prisoners in separate confinement for a certain time, and should then have the power to withdraw them from it. It was proposed to place the Penitentiary under the management of two Inspectors, who should travel through the country to inspect all the prisons, at salaries of £400 per annum. It was proposed to give the Warden £500, and that the two chaplains should fulfil no duties outside the gaol. After enumerating the less important officers whom it was intended to employ, the hon. member moved the second reading of the bill.¹⁸

MR. H. SMITH (Frontenac)¹⁹ stated [his] intention to oppose the bill in Committee.²⁰ [He] characterized the present bill as one of the greatest jobs which the country had ever seen. He had believed when the hon. Commissioner began, that the House would hear something new. Instead of that he had only enumerated the proceedings of the Commissioners, which had already cost the country £3,000 and which, if carried in connection with the juvenile offenders'

bill, would just double the expenses of the Penitentiary. The fact was the bill was a job²¹ for the benefit of Messrs. Brown and Bristow²² to continue ... the advantages which they had already experienced from the Commissionerships.²³ He went on to make objections to the bill in detail²⁴ [and pointed] out the difference between the late system and that which would be introduced by the bill before the House, and the most remarkable difference related to the Commissioners. The hon. Commissioner of Crown Lands had not pointed these out--he had not shown, for example what arbitrary power was to be conferred upon these Inspectors. He had not shown that they would possess the most despotic power even to turn out the Warden, and to elect one of themselves in his room. He could not understand why it was necessary to pay two Inspectors for what had always been done gratuitously by Commissioners appointed by the Crown. He considered the system of allowing convicts to work in gangs to be much better than the solitary system proposed by the bill. He protested against giving power to the Inspectors to dictate to the Chaplains the system of secular education to be pursued. He read the 14th clause, which he stated was the real principle of the bill. This gave the Inspectors the power of suspending the Warden from his office. In the next place the Warden, in the absence of the Inspectors, should act as Inspector. This he contended was absurd. The 15th clause provided that the Warden must visit every cell twice a day. This was imposing upon him the duties of a common gaoler, and he (Mr. S.) understood that if it were adopted Mr. McDonald would place his resignation in the hands of the Government. With respect to the expenses, the present bill would increase them. Those that had been referred to by the hon. Commissioner of Crown Lands had been incurred when buildings were going on in the Penitentiary. The Report of last year was illegal, as it had only been signed by two of the Commissioners, Messrs. Bristow and Brown--while the law required that it should be signed by a majority of the Board. He did not believe that it had been submitted to them. The bill was a job, and that was the belief of the country. If the Government did not put a clause in the bill to prevent any of the present Commissioners from holding office under it, he should move a clause to that effect. He ridiculed the idea of advertising tenders for rations in one Montreal and one Toronto paper. Messrs. Bristow and Brown had an eye to business in that. He made some more remarks with reference to the proposed Inspectors, and the salaries to be paid them. He concluded by contending that the bill was unnecessary; and that the system of convict labour had nearly ruined Kingston.²⁵

MR. ROBINSON would vote for the second reading of the bill. But he would oppose the clause with reference to the Inspectors. He should vote against appointing those two persons and giving them £400 a year, and travelling expenses. There were some other portions of the bill that he believed to be necessary.²⁶

MR. INSP. GEN. HINCKS supported the bill, and²⁷ said Mr. Smith's remarks were principally directed against Messrs. Brown and Bristow, whom he had alluded to by name, and stated that the whole bill was a job for their benefit.--Now, the fact was that he (Mr. H.) did not believe that either of those gentlemen would accept office in the institution. (Hear, hear.) He believed they would have resigned their commissions some time ago, had it not been that it would have embarrassed the Government. The system of paid Inspectors for the management of such institutions [sic] had been found to work well. He believed that solitary confinement in some cases would be found to be the best system. He did not desire to go into the past history of the Penitentiary, but he might state that the present Commissioners had effected a great deal of good, for which they deserved the thanks of the Country. If the old system of unpaid Inspectors was resorted to, it would be productive of serious injury. He admitted the subject of Convict Labour was difficult, but he believed that Kingston gained from having the Penitentiary in it. He trusted the bill would be allowed

to be read a second time, and if any alteration of details were required it might be made.²⁸

MR. MACDONALD (Kingston) would²⁹ not³⁰ oppose the second reading of the bill. All that was good in it was copied from the old Act, and the remainder consisted of the hobbies of the Commissioners.--He would oppose the bill when it came in committee. He particularly objected to the parts relating to the two Inspectors, and contended that the Warden like the Captain of a ship should have the whole controul, as he was always there rather than the Inspectors who would only require to be there 36 days. With regard to the clause respecting religion, the Commissioners had got that inserted to get rid of the Catholic chaplain, who had displeased them. He expressed his doubtfulness that the gentlemen alluded to by Mr. Hincks would have such a wonderful repugnance to accepting office as represented by him. He considered it anomalously absurd to give the Warden only £500 for being present 365 days in the year and having to undergo labour that, under the bill would be harder than that of a convict, while the Inspectors got £400 for 36 days presence besides travelling expenses.³¹

MR. COM. CR. LANDS PRICE asserted that he did not believe that either Messrs. Bristow or Brown would accept office under the bill. He believed it unfair to attack those gentlemen night after night when they were not there to defend themselves.³²

MR. SHERWOOD--they could do so elsewhere.³³

MR. COM. CR. LANDS PRICE--yes; and they had a perfect right to do so. He went on to argue, that if the Inspectors did their duty properly, that they would require to be there nearly the whole time, and if they did not, they would not hold their offices long under a government that did its duty. He went on to reply generally to the debate, and among other things stated, that all regulations relative to religion had to be submitted to the approval of the Governor in Council.³⁴

The bill was read a second time without a division.³⁵

(146)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Public Works
Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act for the further amendment of the Laws relating to the Public Works in this Province," to which they desire the concurrence of this House.

And then he withdrew.

Public Works
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act for the further amendment of the Laws relating to the Public Works in this Province," was

read the first time.

Bill relating to
Gaols and Houses
of Correction.

The Order of the day for the second reading of the Bill to provide for a better system of discipline and for a more economical management of Gaols, and for the erection and maintenance of two Houses of Correction for

Juvenile offenders, being read;

The Bill was accordingly read a second time; and committed to a Committee of

the whole House, for Friday next.

MR. INSP. GEN. HINCKS³⁶ moved the reception of the report on the Territorial Divisions Bill.³⁷

(146)

Territorial
Divisions Bill,
(U.C.).

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to make certain alterations in the Territorial Divisions of Upper Canada, being read;

And the Question being proposed, That the Report be now received;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Boulton of Toronto, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of amending the same, by adding the Township of Georgina to the County of York, in place of allowing it to remain attached to the County of Ontario" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Chauveau, Christie, Hopkins, Lyon, Mackenzie, Malloch, McConnell, Meyers, Nelson, Polette, Robinson, Scott of BYTOWN, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(19.)

NAYS.

Messieurs Bell, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General La-Fontaine, Laurin, Letellier, Solicitor General Macdonald, McFarland, Merritt, Méthot, Mongenais, Notman, Papineau, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, and Wilson.--(37.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Boulton of Toronto, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of leaving out from Schedule E, the paragraph No. 1, which detaches a portion of the Township of West Guilimbury from the County of Simcoe, and annexes it to the County of York" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of TORONTO, Christie, Hopkins, Malloch, Meyers, Robinson, and Smith of FRONTENAC.--(7.)

NAYS.

Messieurs Bell, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General La-Fontaine, Laurin, Letellier, Lyon, Solicitor General Macdonald, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Stevenson, and Wilson.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Notman moved in amendment to the Question, seconded by Mr. Wilson, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to amend the 35th paragraph of Schedule A, by leaving out the words Aldborough, Dunwich, Southwold, Yarmouth, Malahide, South Delaware, South Westminster, Bayham, and South Dorchester," and inserting the words "Dunwich, Aldborough, Mosa, Ekfrid, Carradoc, Metcalfe, Lobo, Adelaide, and Williams" by a "dividing line running from north to south," instead thereof;

MR. WILSON renewed his objection to the Government plan. He said the Inspector General would be willing to accede to his (Mr. W.'s) proposition if he could only have the excuse of having it forced upon him, for he had pledged himself to certain parties he had in his pocket; and these he called the people; while the truth was they were not.³⁸

MR. INSP. GEN. HINCKS replied to the hon. member for London, and contended that the division as proposed by that gentleman would divide the population into two unequal parts, giving a much greater number to one part than to the other.³⁹

Some words [came] from COL. PRINCE, who was in favour of the bill, in its original shape⁴⁰.

(146)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Chauveau, Fergusson, Guillet, Hopkins, Méthot, Notman, Scott of TWO MOUNTAINS, Smith of FRONTENAC, Stevenson, and Wilson.--(11.)

NAYS.

Messieurs Badgley, Baldwin, Bouthillier, Burritt, Cartier, Chabot, Christie, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General La-Fontaine, Laurin, Letellier, Lyon, Macdonald of KINGSTON, Mackenzie, Malloch, McConnell, McFarland, Merritt, Meyers, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Robinson, Sawageau, Scott of BYTOWN, Sherwood of BROCKVILLE, Smith of WENTWORTH, and Taché.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Notman moved in amendment to the Question, seconded by Mr. Wilson, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of leaving out the 36th paragraph of Schedule A, and inserting the words 'The County of Middlesex shall consist of the Townships of Westminster, Southwold, Yarmouth, Malahide, Delaware, Dorchester, London, and the first seven Concessions of the Township of Nissouri'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(147)

YEAS.

Messieurs Bell, Chauveau, Fergusson, Guillet, Hopkins, Méthot, Notman, and Wilson.--(8.)

NAYS.

Messieurs Badgley, Baldwin, Bouthillier, Burritt, Cartier, Chabot, Christie,

Dickson, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laurin, Letellier, Macdonald of KINGSTON, Mackenzie, Malloch, McConnell, McFarland, Meyers, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Robinson, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, and Taché.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Hopkins moved in amendment to the Question, seconded by the Honorable Mr. Boulton, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of adding the Townships of Beverly East and West Flamborough to the proposed County of Halton" instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Hopkins, Mackenzie, Malloch, Sherwood of TORONTO, and Smith of FRONTENAC.--(6.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Chauveau, Dickson, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laurin, Letellier, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, McConnell, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Smith of WENTWORTH, Stevenson, and Taché.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Hopkins moved in amendment to the Question, seconded by Mr. Smith of Frontenac, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of adding the Township of Erin to the proposed County of Halton" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Hopkins, and Mackenzie.--(3.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Chauveau, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laurin, Letellier, Lyon, Solicitor General Macdonald, Malloch, McConnell, McFarland, Méthot, Meyers, Mongenais, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Scott of BYTOWN, Sherwood of BROCKVILLE, Smith of WENTWORTH, Stevenson, and Taché.--(45.)

So it passed in the Negative.

MR. MACKENZIE then moved the following amendment:

That the Report be not now received, but that the Bill be referred back to the committee of the Whole, with instructions to amend it, so that the representation may be more equally proportioned to the population, especially in the following Counties:--a course which is the more essential at this time because we are on the eve of a general election, and it would manifestly be wrong to ex-

tend a larger share of the votes in this House to five Counties, containing twenty-seven Townships, 1,423,120 acres, and 46,395 persons, than to nine Counties, containing ninety-three Townships, 5,531,874 acres, and 187,513 persons; and the Constitutional Act of 1840, authorises the Provincial Legislature by a majority of vote or votes, to establish new and other divisions of the Counties and Ridings in Upper Canada, but so as not to increase the representation beyond forty-two Members:

Because, while the bill changes the apportionment of members in the Assembly, it regulates the representation so as to leave large bodies of Freeholders without an adequate check on partial and unjust legislation; While Russell County, [with] 1,847 inhabitants, Prescott, 9,487; Stormont, 11,030; Dundas, 11,739; and Essex, 12,292; together, five Counties and 46,395 persons are to elect five members; Wellington, with 21,341 inhabitants; Grey, 8,324; Renfrew, 9,975; Waterloo, 24,947; Middlesex, 28,984; Elgin, 27,344; Brant, 21,554; and Lanark, 22,901; together, nine Counties, 187,513 inhabitants, are only to return four members, although Wellington, Grey and Renfrew, contain more inhabitants than Stormont, Russell, Dundas and Essex; and that therefore a body of freeholders, equal in number to those of the populous Counties of Waterloo, Middlesex, Elgin, Brant and Lanark, which contain 120,439 souls, are virtually disfranchised or deprived of equal rights in this House:

Because the first named five Counties contain but twenty-seven Townships and 1,423,120 acres, while the last named nine Counties contain ninety-three Townships and 5,531,874 acres, and the above appointment of representation, if carried into effect, would be an electoral deception, rendering property insecure, and giving cause of discontent:

Because the Bill provides a representation of only twenty Members for places containing 554,341 inhabitants, while twenty-one places, containing only 245,506 persons, are to send to this House twenty-two Members.

The hon. member spoke at some length in support of these propositions,⁴¹ [and] in favor of the equalization of the representation, showing in a most striking light the injustice of the present arrangement⁴² [by] quoting Metternich, Messelrode, Chateaubriand, and Bulow against the principle of representative Government.⁴³ He had no faith in the promises he had heard that we were to have an equitable representative Bill this session. He contended that it was perfectly competent for the House, under the Union Act, by a mere majority, to remedy the present evils. He quoted from the 92 resolutions, and speeches of⁴⁴ Messrs. Papineau, Girauord, Taché, Lafontaine, Morin, Méthot, [and] Aylwin⁴⁵ [of] Lower Canada [who were] in favor of basing representation on population, and charged the present government with violating this principle⁴⁶--a principle which he declared the gentlemen whom he named had now deserted.⁴⁷

While [Mr. Mackenzie was] reading some extracts on this point,⁴⁸ [and] after he had been for some time engaged in this way, MR. INSP. GEN. HINCKS called the hon. member to order, saying that he understood it was not usual in the Imperial Parliament to allow members to read from books and newspapers to the extent practised by the hon. member for Haldimand.⁴⁹

MR. MACKENZIE said, on the question of order, that on the occasion when the hon. member for Simcoe quoted largely from the speeches of Mr. Price to show his inconsistency, no one found any fault with his conduct.⁵⁰

MR. MORIN the SPEAKER, however, decided that newspapers could not be read in the House.⁵¹

And upon MR. MACKENZIE rising to make some remarks,⁵²

SIR A. MACNAB called on the Speaker to maintain order, and not allow the hon. member for Haldimand to break rules which all others must observe.⁵³

MR. MACKENZIE then proceeded by remarking upon the extraordinary zeal which, he said, he noticed in Sir A. Macnab's coming to the assistance of the ministry on all occasions, for which he hoped that gentleman would be duly rewarded. He then expressed an opinion that neither Mr. Lafontaine nor his friends should be very ready to push him (Mr. Mackenzie) down, since it was only by the aid of the truest reformers of his old constituency in North York, that the present premier was enabled to get into Parliament at a time when he could not be returned for Terrebonne, on account of the violence offered to his friends. He continued at some length in the same strain as before, concluding by saying that he supposed the matter of representation according to population would be put off till a more convenient season.⁵⁴

MR. MORIN the SPEAKER decided that part of the motion, viz.: the portion containing reasons, to be out of order.⁵⁵

MR. MACKENZIE offered to withdraw it.⁵⁶

Before this was done, MR. H. SHERWOOD attempted to address the house⁵⁷.

But MR. MORIN the SPEAKER said that having ruled the motion to be out of order, it fell as a matter of course, and as there was nothing before the Chair, there could be no discussion.⁵⁸

(147)

And the Question being again proposed, That the Report be now received; The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted for the purpose of adding the Township of Pickering to the County of York" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Smith of FRONTENAC.--(5.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Crysler, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Ferguson, Fournier, Guillet, Hall, Hincks, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, McFarland, McLean, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Prince, Richards, Sanborn, Sawageau, Stevenson, and Wilson.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to leave out the fourth Clause, and to report a provision remitting the separation of the several Unions of Counties mentioned in Schedule B, to the decision of the Reeves and Deputy Reeves of the several Townships and Villages constituting the respective junior Counties proposed to be separated from the several senior Counties, provided that no separation shall take place unless two-thirds of the said Town Reeves and Deputy Town Reeves shall, for two successive years, concur in such separation" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Hopkins, Robinson, Sherwood of TORONTO, Smith of FRONTENAC, and Wilson.--(7.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Crysler, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fournier, Guillet, Hall, Hincks, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, McFarland, McLean, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Prince, Richards, Sanborn, Sawageau, Sherwood of BROCKVILLE, Smith of WENTWORTH, Stevenson, and Taché.
--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. H. SHERWOOD took occasion to make a fierce attack upon Mr. Mackenzie. He said that it was the custom of the press to suppress everything that was said against the hon. member for Haldimand; while his speeches, containing accusations against other members, were freely reported. If this were to be continued, and if the press or the reporters of the press were to determine what should be published and what not, there was an end of all discussion in that House. However that might be, he should always take occasion to speak of the hon. member in the way he deserved before the rebellion, and after the rebellion, whenever the hon. member chose to attack the characters of members of that House, whose characters were unimpeachable.⁵⁹

MR. MACKENZIE said he had attacked no one. He had merely shown the inconsistency of the political conduct of certain hon. gentlemen.⁶⁰

MR. H. SHERWOOD--oh, no: the hon. member has attacked no one. But would any one believe after hearing the hon. member, that he had attacked no one. He had attacked the Speaker in the chair, members high in office in the Government, and members not in the government, and yet he supposed the hon. member would soon claim the protection of the Speaker to prevent what he had to say.⁶¹

MR. SANBORN rose to order, he wished to know what the remarks just made had to do with the question before the House?⁶²

MR. MORIN the SPEAKER decided that Mr. Sherwood was in order.⁶³

MR. H. SHERWOOD [continued]--Now the hon. member talked of representation according to population; but was the hon. member himself returned by a majority of the people? No, he was only the representative of the third part of the people of Haldimand. Again, when that hon. member spoke of others being recreant from their principles did he recollect the course he had himself pursued--that he had issued his proclamation offering to give to any citizen of the United States one-hundred acres of land, if they would come in and subvert the Government?⁶⁴

MR. MCFARLAND called the hon. member to order⁶⁵.

MR. MORIN the SPEAKER decided that Mr. Sherwood was in order.⁶⁶

MR. H. SHERWOOD then speaking of the hon. member for Welland as the bottleholder of the hon. member for Haldimand, continued to say that if the former would second the latter in bringing prominently before the public the troubles of bygone years, he (Mr. Sherwood) had no right to recur to the past conduct of the hon. member for Haldimand. However, he hoped the House would for the future refuse permission to the hon. member to go on in the manner of which he (Mr. Sher-

wood) complained.⁶⁷

MR. MCFARLAND said the hon. gentleman had referred to him as the bottle-holder to the member for Haldimand. Now he was of opinion that the member for Haldimand did not require a bottle-holder although the member for Toronto might require one. (Laughter.)⁶⁸

(147)

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to leave out the fourth Clause, and to report a provision remitting the separation of the several Unions of Counties mentioned in Schedule B, to the decision of

(148)

the Reeves and Deputy Reeves of the several Townships and Villages constituting the respective junior Counties proposed to be separated from the several senior Counties, provided that no separation shall take place unless two-thirds of the said Town Reeves and Deputy Town Reeves shall concur in such separation" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as in the last preceding Division.

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to leave out the fourth Clause, and to report a provision remitting the separation of the several Unions of Counties mentioned in Schedule B, to the decision, by joint vote, of the Reeves, Deputy Reeves, and Councillors of the several Townships and Incorporated Villages constituting the respective junior Counties proposed to be separated from the several senior Counties, provided that no separation shall take place unless two-thirds of the said Reeves, Deputy Reeves, and Councillors, shall concur in such separation" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Hopkins, Robinson, Sherwood of TORONTO, Smith of FRONTENAC.--(6.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Crysler, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fournier, Guillet, Hall, Hincks, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McConnell, McFarland, McLean, Méthot, Mongenais, Morrison, Nelson, Notman, Price, Prince, Richards, Sanborn, Sauvageau, Sherwood of BROCKVILLE, Smith of WENTWORTH, Stevenson, Taché, and Wilson.--(45.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to leave out so much of the said Bill as provides for naming, by Proclamation under the Great Seal, a place within each County for a County Town, and to provide that such County Town shall be named by the Reeves and Deputy Reeves of the several

Townships and Villages constituting the respective junior Counties proposed to be separated from the several senior Counties" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Boulton of NORFOLK, Boulton of TORONTO, Fergusson, Flint, Hopkins, Lyon, Mackenzie, McConnell, Merritt, Notman, Richards, Robinson, Sanborn, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, and Wilson.--(18.)

NAYS.

Messieurs Badgley, Baldwin, Bouthillier, Burritt, Cartier, Chabot, Crysler, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fournier, Guillet, Hall, Hincks, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McFarland, McLean, Méthot, Mongenais, Morrison, Nelson, Price, Prince, Sauvageau, Sherwood of BROCKVILLE, Stevenson, and Taché.--(36.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted, with an Instruction to leave out so much of the said Bill as provides for naming, by Proclamation under the Great Seal, a place within each County for a County Town, and to provide that such County Town shall be selected by a majority of the votes of the rate-payers of the several localities in the junior Counties, at the time of electing their Councillors for their several Municipalities respectively" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton of NORFOLK, Boulton of TORONTO, Fergusson, Flint, Hopkins, Mackenzie, McConnell, Merritt, Notman, Sanborn, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, and Wilson.--(14.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Bouthillier, Burritt, Cartier, Chabot, Crysler, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fournier, Hall, Hincks, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McFarland, McLean, Méthot, Mongenais, Morrison, Nelson, Price, Prince, Richards, Sauvageau, Sherwood of BROCKVILLE, Stevenson, and Taché.--(37.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by Mr. Solicitor General Macdonald, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be now recommitted for the purpose of leaving out the words 'registration of titles' in the fifth line of the second Clause, and adding at the end thereof the words 'Provided always, that any County which now has, or any two or more Counties which now have between them, a Registry Office for the registration of titles, shall continue to have the same Registrars as before the passing of this Act'" instead thereof;

Mr. Lyon moved in amendment to the said proposed Amendment, seconded by Mr.

Smith of Frontenac, That the following words be added at the end thereof: "Provided also, that for the purposes of registration of titles in each of the said Counties and United Counties entitled to Representation, the said last mentioned Counties and United Counties shall be separated for the purpose of registration of titles, and entitled to a separate Registration Office for the registration of titles, and a Registrar shall be appointed for each of the said last mentioned Counties and United Counties for which there is not now a Registry Office for the registration of titles;"

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow:--

(149)

YEAS.

Messieurs Lyon, Malloch, McFarland, and Smith of FRONTENAC.--(4.)

NAYS.

Messieurs Badgley, Baldwin, Bell, Boulton of TORONTO, Bouthillier, Burritt, Cartier, Chabot, Davignon, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fournier, Hincks, Hopkins, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, McConnell, McLean, Méthot, Mongenais, Morrison, Nelson, Price, Prince, Richards, Robinson, Sanborn, Sauvageau, Sherwood of BROCKVILLE, Sherwood of TORONTO, Stevenson, Taché, and Wilson.--(42.)

So it passed in the Negative.

And the Question on the Amendment to the Original Question being put; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Bill be now recommitted for purpose of leaving out the words "registration of titles" in the fifth line of the second Clause, and adding at the end thereof the words "Provided always, that any County which now has, or any two or more Counties which now have between them, a Registry Office for the registration of titles, shall continue to have the same Registrars as before the passing of this Act."

The House accordingly resolved itself into the said Committee.

Mr. Dumas took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Dumas reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Dumas reported the Bill accordingly; and the first to the twelfth of the amendments, being read a second time, were agreed to.

The thirteenth amendment being read a second time, as followeth:--Clause 11, line ult., after the word "Township" add the words "And wherever the Rideau Canal or any Public Provincial Work now forms an artificial navigation on waters between any two Counties, the centre of such artificial stream or watercourse shall be the dividing line between such Counties: and any suit or prosecution for any act or offence done or committed upon the waters forming such dividing line between such Counties, may be prosecuted and tried in either of such Counties;"

And the Question being put, That this House doth concur with the Committee in the said amendment:--It passed in the Negative.

Then the residue of the amendments, being read a second time, were agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time to-morrow.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Robinson,

The House adjourned.

FOOTNOTES: 8 JULY 1851.

1. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 10 July 1851, BRITISH COLONIST, 11 July 1851, NORTH AMERICAN, 11 July 1851, HAMILTON SPECTATOR, 12 July 1851, MORNING CHRONICLE, 15 July 1851, PILOT, 15 July 1851, and LA MINERVE, 15 July 1851.
2. BRITISH COLONIST, 11 July 1851.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. The following papers reported the debate on this matter in identical accounts: GLOBE, 10 July 1851, BRITISH COLONIST, 11 July 1851, NORTH AMERICAN, 11 July 1851, HAMILTON SPECTATOR, 12 July 1851, PILOT, 15 July 1851; MONTREAL GAZETTE, 10 July 1851, MORNING CHRONICLE, 10 July 1851, PILOT, 10 July 1851, BRITISH WHIG, 10 July 1851, MONTREAL TRANSCRIPT, 10 July 1851, and OTTAWA CITIZEN, 12 July 1851. The debate was noted by JOURNAL DE QUEBEC, 15 July 1851.
16. BRITISH COLONIST, 11 July 1851.
17. MONTREAL GAZETTE, 10 July 1851.
18. BRITISH COLONIST, 11 July 1851.
19. IBID.
20. MONTREAL GAZETTE, 10 July 1851.
21. BRITISH COLONIST, 11 July 1851.
22. MONTREAL GAZETTE, 10 July 1851.
23. BRITISH COLONIST, 11 July 1851.
24. MONTREAL GAZETTE, 10 July 1851.
25. BRITISH COLONIST, 11 July 1851.
26. IBID.
27. MONTREAL GAZETTE, 10 July 1851.
28. NORTH AMERICAN, 11 July 1851.
29. BRITISH COLONIST, 11 July 1851.
30. GLOBE, 10 July 1851.
31. BRITISH COLONIST, 11 July 1851. MONTREAL GAZETTE, 10 July 1851, incorrectly reported that the bill proposed to give the two Inspectors "£400 ... for only 365 days".
32. HAMILTON SPECTATOR, 12 July 1851.
33. IBID.
34. IBID.
35. MONTREAL GAZETTE, 10 July 1851.
36. The following papers reported the debate on this matter in partially identical accounts: GLOBE, 10 July 1851, BRITISH COLONIST, 11 July 1851, HAMILTON SPECTATOR, 12 July 1851, and PILOT, 15 July 1851. The debate was also reported by: NORTH AMERICAN, 11 July 1851; and MONTREAL GAZETTE, 14 July 1851. A commentary appeared in BRITISH COLONIST, 11 July 1851.
37. BRITISH COLONIST, 11 July 1851.
38. IBID.

39. IBID.
40. IBID.
41. HAMILTON SPECTATOR, 12 July 1851.
42. NORTH AMERICAN, 11 July 1851.
43. GLOBE, 10 July 1851.
44. BRITISH COLONIST, 11 July 1851.
45. GLOBE, 10 July 1851.
46. NORTH AMERICAN, 11 July 1851.
47. GLOBE, 10 July 1851.
48. NORTH AMERICAN, 11 July 1851.
49. GLOBE, 10 July 1851.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. NORTH AMERICAN, 11 July 1851. BRITISH COLONIST, 11 July 1851, contained the following lengthy commentary on Col. Prince's "fierce attack upon the press" which appears in the debates of 7 July 1851, and on the similar "attack" made by Mr. H. Sherwood: "The reporters have demurred to the venality accusation as being false, and have called upon the hon. member [Col. Prince], to prove or retract a charge publicly and specifically made in his place in parliament, imputing to them dishonourable practices. The gentleman denies that his words will bear the interpretation put upon them; but we are assured that he did make use of the words imputed to him. We have no wish to interfere in this matter, but we may state, that we should take the hon. member's denial of his words as an abnegation of the charge of which the reporters complain. The hon. member, however, further adds, that he believes it is the custom both in England and here, for members of parliament to give sums of money to reporters. We cannot answer for the practice in England, but we are assured that it does not prevail here--the members not being at all given that way. We concur that there would be no harm, nor anything out of the way, for either reporters or proprietors of newspapers to receive payment from members, for a full and particular report of a speech, in which it was desired to make some particular exposition, of which the publication would be chiefly interesting to the speaker; but this is a different thing to an imputation of suppression, except in case of bribery.

As to the jackass charge of the hon. and gallant member for Essex, why, we will not quarrel about that, as we do not think it worth while. We have no wish in any manner to bandy compliments of this kind, nor to enter at all upon the delicate subject of canvassing the relative qualifications of members of the House, as compared with the conductors of the press. We will, however, say for the credit of our profession, that we should not shrink from the examination. Nor do we believe the Colonel was quite serious; but only a little excited, and in a state in which he himself has confessed, that he sometimes says foolish things. We will let the matter pass.

But these reporters seem to be unfortunate, as it appears that Mr. Henry Sherwood bring [sic] yet another charge against them, viz.--that of reporting Mr. Mackenzie's attacks upon other members and not their replies. But

Mr. Sherwood did not give any instance and we have not been able to learn any; and we fancy that if he will look back at our columns, he will find that he occupies much more space than Mr. Mackenzie does, although Mr. Mackenzie has been one of the most incessant talkers in the House.

The truth is that very few of this gentleman's speeches have been reported at all, and those few have been cut down most unmercifully. This has not arisen from any wish to suppress Mr. Mackenzie's sentiments, but because it is his custom to speak on all occasions in a strangely irrelevant and discursive manner, and at such length, that this journal would not contain a verbatim report of his speeches.

We may as well take this occasion to say a few words on reporting, as most of the members seem to be as "innocent as sucking doves," upon the subject; and feel seriously hurt at having their pinions clipped a little shorter than they wish. Many of these gentlemen seem to imagine that the whole system of newspaper reporting is intended for their individual benefit, and that by some such natural and mysterious process, as a butterfly bursts from a chrysalis, should their speeches appear in print the next morning; and not only what they did say but, what they meant to say, in elegant language, divested of all tautology, and broken and meaningless sentences. We can assure most of the gentlemen that they would cut a pretty figure if their speeches were literally reported. They seem to have no kind of idea of the mass of writing, and the labour both of reporters and printers, that is necessary before these speeches can be reproduced. If they were to try reporting for one night they would find it a different thing to talking.

A speech of one hour fully reported would fill upwards of three columns of the Colonist, in close type, and then some of the mere verbiage would have to be thrown away, as a not very fast speaker would utter upwards of seven thousand words in an hour. Supposing the duration of the debates to average six hours, eighteen columns would be daily required to report them at length, and then very few persons would take the trouble of reading them, except the speakers themselves. It is evident that a large staff of reporters would be required to do all this writing, and a large number of men to put it in type. The expense would be immense. But it is true that debates are sometimes reported at this length by the mammoth establishments of the London morning papers, whose annual expenses would much more than double that of our whole civil government.

There is another fact we would wish members distinctly to understand in connection with this reporting business, and that is, that we report for our own, and our readers' satisfaction, and not to gratify the vanity, or consult the interests of the speech makers. We are not the servants of the House; we do not desire any interference on its part into our private affairs; and we shall insert the reports as long or as short as we please, or take as much of them as we please. As it is, we endeavour to procure as correct, and impartial reports as possible; and we are sure that our readers have found them quite as long as they would be willing to wade through; and further than this, we are by no means sure if our paper would not have been more interesting if the debates had been cut still shorter, and the space filled up with general news. Many papers do not think it worth while to publish the debates at all.

The members may rest assured of this much, that their speeches are not quite so interesting to others as to themselves; and, we can readily believe that it is not flattering to them to find their rhetoric cut down to a few curt sentences, giving merely the tenor of their argument. We can readily imagine in this case that they should fancy they are not truly represented,

while the summary given might be a correct condensation of the sentiments uttered. Take, for instance, Col. Prince's speeches, which are sparkling and brilliant, as he utters them in his peculiar and telling manner, but they very ill stand reporting, and condensation is the death of them. Misrepresentation may, however, sometimes take place, which we shall be at all times willing to correct, or willing as an act of courtesy to any member to give a full report of any important speech.

If members of the House would wish to pay for more extended reports of all the debates, as is the case in the sister colonies, and the United States, we shall be willing to enter into a contract to satisfy their wishes. But it is rather too bad that they should seek to gratify their vanity, make popularity, and build up their political fortunes, at our expense; and worse still, that they should have the impudence to seem to demand this as a right. As to the courtesy of the providing of a gallery being sufficient compensation, why this is indeed a jest: the publication of their proceedings would be much more than a return for that, as if it were not for the newspapers the country would be kept in ignorance of them."

- 60. GLOBE, 10 July 1851.
- 61. NORTH AMERICAN, 11 July 1851.
- 62. IBID.
- 63. IBID.
- 64. BRITISH COLONIST, 11 July 1851.
- 65. IBID.
- 66. IBID.
- 67. IBID.
- 68. NORTH AMERICAN, 11 July 1851.

WEDNESDAY, 9 JULY 1851.

(149)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Robinson,--The Petition of
Robert J. Hamilton, of the City of Hamilton, Esquire.

By Mr. Smith of Wentworth,--The Petition of A. Kirkland, President, on behalf of the Members of the Brantford Mechanics' Institute.

By Mr. McConnell,--The Petition of William Smith, Chairman, and S.A. Stevens, Secretary-Treasurer, on behalf of the School Commissioners of the Municipality of Brompton, County of Sherbrooke; and the Petition of C.B. Cleveland and others, of the Townships of Shipton, Melbourne, and vicinity, in the District of St. Francis.

By the Honorable Mr. LaTerrière,--The Petition of C.P. Huot, Esquire, and others, Notaries of the District of Quebec.

By Mr. Scott of Two Mountains,--The Petition of John Oswald and others, of the Parishes of St. Augustin and Ste. Scholastique, County of Two Mountains; the Petition of James Clark and others, of the Parish of St. Hermas, County of Two Mountains; and the Petition of John Stark and others, of the Parishes of St. Benoît and St. Eustache, County of Two Mountains.

By Mr. Stevenson,--The Petition of Alexander McDonald and others, of the Township of Athol, County of Prince Edward.

By Mr. Holmes,--The Petition of James Gilmour, Esquire, and others, of the City of Montreal; and the Petition of the Bank of Montreal, the City Bank, the Bank of British North America, and La Banque du Peuple.

By Mr. Boulton of Toronto,--The Petition of William Robins and others, of the City of Toronto.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Raile, Esquire, and others, of the Township of Loughborough; praying for the repeal of the Township Municipal Act, and the re-enactment of the County Municipal Act.

Of the Municipal Corporation of the Village of St. Ours, County of Richelieu; praying authority to dispose of certain monies in the hands of the Justices of the Peace for the Parish of St. Ours, in the improvement of the said Village of St. Ours.

Of the Reverend N.C. Fortier and others, of the Village of St. Michel, County of Bellechasse; praying for aid to construct a pier at the said Village.

Of L. Marks, President, and others, Officers of the German and Polish Benevolent Society, and others, of the City of Toronto; praying such amendments to the existing Laws relating to Aliens as shall reduce the time now prescribed for their becoming naturalized.

Of J. Bissonnette, Esquire, and others, of the south part of the County of Huntingdon; praying for a division of the said County for Municipal purposes similar to that made last Session for purposes of Enregistration, and that the Village of Napierville be the place for the meetings of the Council of the new division; or otherwise that the said Village may be made the County Town of the said County of Huntingdon, or that the southern part of the said County be set apart as a new County.

Of Loop Odell and others, of Registration District Number Two, of the County of Huntingdon; praying that the Act 7 Vic. cap. 22, section 4, relating to Enregistrations, may be made applicable to the said division of the said County.

(150)

Of A. Dugas, Esquire, and others, of the County of Leinster, Freeholders; of John McBean, Esquire, and others, of the Parish of Berthier, County of Berthier; and of T.D. Latour, Esquire, and others, of the Parish of Lanoraie, County of Berthier; praying for the abolition of Commissioners' Courts in Lower Canada.

Of Louis G. Lafontaine, Esquire, and others, of the Parish of Lanoraie, County of Berthier; of Charles Formeret, Esquire, and others, of the Parish of Berthier, County of Berthier; and of M. Poirier and others, of the County of Leinster; praying for certain amendments in the administration of Civil Justice in Lower Canada, for the purpose of putting an end to the system of centralization thereof in Cities which now exist.

Of the Municipality of the Township of Pelham; praying for the passing of an Act granting authority to the Municipal Council of the County of Welland, to purchase certain wild lands in the said County, known as the Marsh Lands.

Of the Municipality of the Township of Pelham; praying for the abolition of the Rectories and the sale of the Clergy Reserves, and that the proceeds thereto be appropriated to purposes of general education.

Of the Municipality of the Township of Pelham; praying for the passing of the Bill now before the House in which provision is made for the erection of the County of Welland into a separate County.

Ordered, That the Petition of Robert J. Hamilton, of the City of Hamilton, Esquire, be now read; and the Rules of this House suspended as regards the same;

And the said Petition was read; praying that any Bill which may be proposed for granting authority to the Municipal Council of Wentworth and Halton to sell a part or the whole of the Court House Square in the said City of Hamilton, may not pass into Law; and that no other use than that originally intended by the Deed of Surrender be made of the said Land without his written concurrence therein.

Petitions referred.

Ordered, That the Petition of Robert J. Hamilton, of the City of Hamilton, Esquire, be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the Petition of André Leroux Cardinal, Chief Messenger of this House, be referred to the Standing Committee on Contingencies.

Resolved, That the Petition of the Quebec Board of Trade (Holidays) be referred to a Select Committee, composed of Mr. Christie, the Honorable Mr. Chabot, Mr. Holmes, Mr. Lemieux, and Mr. Polette, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Bill relating to depredations &c. by Raftsmen.

Mr. Scott of Two Mountains reported from the Select Committee on the Bill to afford a better remedy to persons suffering from depredations and trespasses committed by Raftsmen, That the Committee had gone through the

Bill, and made amendments thereunto.

Ordered, That the Bill and report be committed to a Committee of the whole House, for to-morrow.

Fourteenth Report of Committee on Standing Orders.

The Honorable Mr. Sherwood, from the Standing Committee on Standing Orders, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of W.P. McLaren and others, and find that notice of the same has been duly given.

The Petitions of Wm. E. Twynam, and of the Municipality of the Township of Wainfleet, Your Committee consider to be of a nature in which notice is not required.

On the Petition of Jacob Ker and others, for an Act to define certain division lines in the Township of Caistor, it appears that no notice has been published.

Waterous' Civil and Political rights Bill.

Ordered, That Mr. Wilson have leave to bring in a Bill to confer upon Charles Horatio Waterous the Civil and Political Rights of a natural born British subject.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Printing.

Ordered, That the Orders of this House of yesterday, for printing, in octavo, certain Returns and Statements under the direction of the Standing Committee on Printing, be amended, by leaving out the words "in octavo."

On motion of Mr. Morrison, seconded by the Honorable Mr. Price,

Municipal Councils (U.C.) Independence Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act for better securing the independence of Municipal Councils in Upper Canada," be read a second time to-morrow.

Petition of the Reverend N. C. Fortier and others.

Ordered, That the Petition of the Reverend N.C. Fortier and others, of the Village of St. Michel, County of Bellechasse, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Sherwood, seconded by Mr. Smith of Frontenac,

Public Business.

Resolved, That the Orders of the day be now called; and that after the second reading of Private Bills, this House do then proceed to the consideration of such

Private Bills as have been read a second time, and committed to a Committee of the whole House.

Toronto School of Medicine Bill.

And the Order of the day for the second reading of the Bill to incorporate the Toronto School of Medicine, being read;

Ordered, That the Bill be read a second time on Wednesday next.

Sydenham Mountain Road Act Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bill to enable C.R. Wilkes to convey certain Real Estate.

The Order of the day for the second reading of the Bill to enable Caira Robbins Wilkes, the wife of George Samuel Wilkes, of Brantford, Esquire, to convey by herself certain Real Estate devised to her by her late father, being read;

Mr. Notman moved, seconded by Mr. Holmes, and the Question being put, That the Bill be now read a second time;

[The Bill]¹ was opposed on the ground that it was an interference with the arrangement made under a marriage settlement, and on the suggestion of MR. AT. GEN. LAFONTAINE, the motion was withdrawn for the present.²

(150)

The Honorable Mr. Attorney General LaFontaine moved in amendment to the Question, seconded by the Honorable Mr. Chabot, That the word "now" be left out, and the words "on Monday next" added at the end thereof;

(151)

And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time on Monday next.

Wellington
Land Tax
By-Law Bill.

The Order of the day for the second reading of the Bill to provide for the collection of Arrears of Taxes under a certain By-Law of the District Council of the late District of Wellington, and to remove doubts as to the validity of the said By-Law, being read;

*Mr. Fergusson moved, seconded by Mr. Hall, and the Question being put, That the Bill be now read a second time;*³

In this case, the Council of the Wellington District had passed a bye-law levying a tax on wild land in which law there was a certain irregularity which prevented its enforcement. The consequence was, that certain parties had paid the taxes, while the Canada Land Company and the Corporation of the University of King's College refused to pay.⁴

The motion for the second reading was opposed by MESSRS. H. and G. SHERWOOD, MR. ROBINSON, MR. AT. GEN. BALDWIN, and other members, and supported by MR. INSP. GEN. HINCKS, who compared the Bill now sought for to that which was passed some years ago in the case of the County of Huron, though he admitted that the bye-law now under consideration contained certain penalties on holders of wild lands; on defaulters, and on absentees, which he disapproved.⁵

MR. CHABOT, in reply, said he could see no analogy between the present Bill and that passed in the case of the County of Huron. In the latter, the form only was offended against--in the former it was acknowledged that the bye-law involved great injustice.⁶

MR. MACDONALD replied to the Inspector General. He said that the late Attorney General had stated the case very properly, when he pointed out that if the bye-law was legal, it required no legislation; while if it were not legal, it could only be made so by ex post facto legislation. He then taxed the Inspector General with agrarian and socialistic ideas because he spoke of the Canada Company as a large and wealthy corporation--as if justice was to depend upon the wealth of the parties. These doctrines could only be maintained because the hon. member studied popularity on the eve of an election. He had voted against the Bill last session, but now that the guide of the Ministry (the late Attorney General) had gone out of the Government, it seemed as if his late colleagues were ready to throw all overboard. The hon. member for Oxford indeed had talked about legal quibbles; but it was upon legal quibbles that men's lives and properties depended. He acknowledged that the late administration had passed the law in the case of Huron, but said he always opposed it until the Canada Company had themselves consented to the act for the sake of peace, though

constrained certainly by the same kind of pressure as that to which they were now subject.⁷

MR. INSP. GEN. HINCKS pledged himself that the irregularity in the by-law to be remedied was precisely the same as that in the case of the County of Huron. The council had the right to impose the amount of taxes which they did impose. They had only omitted to mention for what object the tax was laid. As to the charge of socialism therefore, he threw it back upon those who had passed the law for Huron.⁸

MR. G. SHERWOOD pointed out that the Inspector General was mistaken in saying that the Council were empowered by law to levy the amount of tax imposed by their by-law, and showed in what particulars it exceeded the powers of the Council.⁹

(151)

Mr. Malloch¹⁰ moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Baldwin, Boulton of TORONTO, Cayley, Chabot, Chauveau, Christie, Crysler, Dumas, Hopkins, Jobin, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Meyers, Papineau, Robinson, Sanborn, Sauvageau, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(25.)

NAYS.

Messieurs Armstrong, Bouthillier, Duchesnay, Fergusson, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Johnson, Attorney General LaFontaine, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, Mongenais, Morrison, Nelson, Price, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Viger.--(25.)

And the Votes being equally divided; Mr. Speaker gave his casting Vote in the Negative.

MR. MORIN the SPEAKER voted against the amendment, not because he approved of the bill; but because he wanted to know exactly whether the by-law were [sic] illegal in spirit or only in form. In the former case he should be decidedly opposed to legalizing it. It was also clear that the by-law being null, there could be no penalties on those who did not comply with it.¹¹

(151)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Bouthillier, Duchesnay, Fergusson, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Johnson, Attorney General LaFontaine, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, Mongenais, Morrison, Nelson, Price, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Viger.--(25.)

NAYS.

Messieurs Badgley, Baldwin, Boulton of TORONTO, Cayley, Chabot, Chauveau, Christie, Crysler, Dumas, Hopkins, Jobin, LaTerrière, Laurin, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Meyers, Papineau, Robinson, Sanborn, Sauvageau, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(25.)

And the Votes being equally divided; Mr. Speaker gave his casting Vote in the Affirmative.

The Bill was accordingly read a second time.

Resolved, That the Bill be referred to a Committee of five Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Fergusson, the Honorable Mr. Baldwin, Mr. Johnson, the Honorable Mr. Chabot, and the Honorable Mr. Macdonald, do compose the said Committee.

Quebec City
Water Supply
Bill.

The Order of the day for the second reading of the Bill further to amend the Acts for supplying the City of Quebec, and parts adjacent thereto, with water, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Chabot, Mr. Christie, Mr. Chauveau, Mr. Méthot, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Canada West
Farmers' Mutual
and Stock In-
surance Bill.

The Order of the day for the second reading of the Bill to incorporate "The Canada West Farmers' Mutual and Stock Insurance Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous

Private Bills.

Caledonia
Road Allowances
Bill.

The Order of the day for the second reading of the Bill to define certain Road allowances in the Township of Caledonia, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Quebec Incor-
poration Bill.

The Order of the day for the second reading of the Bill further to amend the Ordinances incorporating the City of Quebec, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Chabot, Mr. Christie, Mr. Méthot, Mr. Chauveau, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Kingston Water
Works Act
Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to incorporate the City of Kingston Water Works Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Burlington
Ladies
Academy Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate the Burlington Ladies Academy," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Toronto General
Burying Ground
Bill.

The Order of the day for the second reading of the Bill to authorize the Trustees of the Toronto General Burying Ground to acquire an additional lot of land, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

West Gwillimbury
Old Survey
Annexation Bill.

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled, "An Act to annex the Old Survey of West Gwillimbury in the County of Simcoe to the adjoining Township of East Gwillimbury in the County of York," being read;

Ordered, That the said Order of the day be postponed until Wednesday the twenty-third instant.

Carleton General
Protestant Hos-
pital Bill.

The Order of the day for the House in Committee on the Bill to incorporate the County of Carleton General Protestant Hospital, being read;

The House accordingly resolved itself into the said Committee.

Mr. Lacoste took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lacoste reported, That the Committee had gone through the Bill, and made amendments therewinto.

(152)

Ordered, That the Report be received on Monday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

On motion of SIR A. MACNAB,¹² the House went into Committee on the bill to Incorporate Trinity College.¹³ The principal part of the evening was spent in committee on the Bill.¹⁴

(152)

Trinity
College Bill.

The Order of the day for the House in Committee on the Bill to incorporate Trinity College, being read;
The House accordingly resolved itself into the said

Committee.

Mr. Nelson took the Chair of the Committee;

MR. MACKENZIE made a general attack on the Bill, upon the principle, that the granting of such charters, was inimical to the best interests of the country.¹⁵ The bill gave the College vast powers denied to other Corporations. He disliked the idea of having Lord Bishops, as being improper. He hoped and trusted that the motion for allowing the Corporation to hold property to the amount of £10,000 a-year would not prevail.¹⁶ If they chartered this college, there was no necessity that they should charter schools in connexion with it.¹⁷

COL. PRINCE supported the motion and was astounded that any one would object to schools being established throughout the country.¹⁸ [He] contended that it was only desired to establish a University for the education of youth with no exclusive powers. He spoke generally in favour of establishing schools over the country, and stated that in the West there were no schools fit to send the younger branches of his family to.¹⁹ If the hon. member for Haldimand is not an enemy to education, he will withdraw any objection to this bill.²⁰

MR. CHABOT (in French) hoped that no member would join the hon. member for Haldimand in his narrow and fanatic prejudices. He supported the bill.²¹

MR. INSP. GEN. HINCKS hoped the hon. member would amend his bill.²² [He] (Mr. Hincks) would consent to incorporate the University, but was not prepared²³, [and] he did not think that it was desirable, to incorporate preparatory schools

all over the province, in connection with the College in Toronto. There might be one in Toronto, and when others were found necessary in other parts, it would be time enough to grant a charter.²⁴

MR. AT. GEN. BALDWIN opposed this provision.²⁵

A conversation ensued, in the course of which SIR A. MACNAB read from the act incorporating Bishop's College, Lennoxville²⁶. [He] (Sir Allan McNab) could not understand this opposition at all; they asked no more powers than was granted to Bishop's College in Quebec. In fact,²⁷ [the] clause ... he said was in precisely the same words as the one objected to in his bill.²⁸ He did not see why they should not have these preparatory schools. There are no exclusive privileges connected with them.²⁹

MR. W. BOULTON could see no reason for withholding the power to incorporate these schools in connection with the University: the more so when the Bill was a copy, word for word, with the one establishing Quebec College.³⁰

MR. AT. GEN. BALDWIN objected to the incorporation of the schools.³¹

MR. COM. CR. LANDS PRICE was of a similar opinion.³²

MR. SOL. GEN. MACDONALD, could see no necessity for incorporating these schools. It was quite easy for them to attend those schools, and go from them to the University without having these schools incorporated.³³

MR. H. SHERWOOD supported the motion, and said the bill asked for no extraordinary powers, and did not ask the power that some other Colleges had of conferring degrees; but it only asked for power to regulate its own affairs.³⁴

The conversation continued in a desultry [*sic*] manner, impossible to give a report of: MR. SOL. GEN. MACDONALD, MR. RICHARDS, and others objected to affiliated corporations.³⁵

MR. RICHARDS was unwilling to grant powers to incorporate schools in every district in the Province.³⁶

MR. W. BOULTON was sorry to see such a jealousy in regard to the Church of England.³⁷

MR. MACKENZIE spoke at some length, arguing that the intention of the bill was to break down the Provincial University. He went on to attack the Church of England, and stated that when the University was under her charge, there had been an improper use of the moneys belonging to it which were lent out to some gentlemen, whom he would not name in an improper manner.³⁸

MR. FOURNIER spoke (in French) in favour of the bill³⁹ [and of] limiting the clause relative to establishing grammar schools over the country.⁴⁰

MR. AT. GEN. LAFONTAINE was nearly inaudible in the Reporter's gallery⁴¹. Turning to Messrs. Baldwin and Hincks, [he] asked very pertinently, whether under the Common Law these Schools might not be now established in any part of Upper Canada, without any new legislative authority? And having been answered in the affirmative, he then asked, upon what principle then could they object to the clause in the Bill?⁴² He did not see that any argument could be urged against the clause except its uselessness⁴³. Was it not absurd to say, that under the law as it now stands, these parties had the right to establish as many schools as they pleased, in connection with the proposed College, and that you shall nevertheless withhold from them the necessary power and authority to make rules and regulations for the government of these Schools? (Cheers.) A similar power had been granted by a former act, which was in force in Lower Canada for seven years. Was it alleged that any harm had been done by the use of that priv-

ilege? No. There was no such allegation. And seeing that the power in that case had been well used, would it not be invidious⁴⁴ not to allow the insertion of a similar clause in the present bill⁴⁵ while it had been granted to Bishop's College.⁴⁶ (Loud Cheers.) He therefore supported the clause in the bill. (Great cheering.)⁴⁷

MR. RICHARDS apprehended that the people of the province had no desire to see carried out the principle of sectarian education, embodied in this bill, with a view to its extension to common schools.⁴⁸

MR. INSP. GEN. HINCKS moved an amendment, to the effect that instead of power to establish grammar schools all over Upper Canada, the power conferred should be limited to a preparatory school connected with, or dependent upon the college.⁴⁹

SIR A. MACNAB would not object if "a" were struck out of the amendment and "schools" instituted for school.⁵⁰

MR. INSP. GEN. HINCKS could not consent. If that were persisted in, he would oppose the bill in all its stages.⁵¹

SIR A. MACNAB adhered, then, to the clause as it stood. He was impressed⁵² [and] astonished⁵³ at the opposition from some gentlemen, though not at all impressed at the opposition of⁵⁴ Mr. Mackenzie⁵⁵, the hon. member for Haldimand,⁵⁶ who had constantly opposed every thing for thirty years⁵⁷, [and] had done nothing but mischief since the commencement of his public career. Every breath he drew was designed to "stab some honest fame to death," if the motive could be seen.⁵⁸ He (Sir Allan MacNab) had been before the country for many years--had lived in the country all his life--and he thought that his character would not suffer by comparison with that of the hon. member for Haldimand, who had involved the country in bloodshed.⁵⁹

MR. MACKENZIE said, I made you a Knight.⁶⁰

SIR A. MACNAB detested the manner in which the hon. member for Haldimand spoke of the dreadful events in which he had been a principal actor.⁶¹ He (Sir A.) despised these attacks, from one who had brought more misery on the country than any other man--who had added vastly to the debt of England--who had ruined many families here, and now laughed, and joked at the consequences of his own conduct. Many who had followed his advice expiated their offences on a place where, perhaps, the hon. member should have been in their stead. Amongst these was Mr. Lount, a worthy-man, who was led astray by the hon. member⁶². It was he through whose instrumentality poor Lount was brought to the gallows,--a man with whom he, (Sir Allan,) had acted for years with the greatest satisfaction, for a more honest or better man never lived till he got into the hands of the hon. member for Haldimand. And yet that hon. member laughed and joked about people being tucked up.⁶³ Such a course was insulting to the House and to the country. The constituency of Haldimand would not have sent him here if they could have foreseen his behaviour, and they would never disgrace themselves by re-electing him.⁶⁴

MR. MACKENZIE was surprised that the House should allow these matters to be brought up, seeing that there were around him many who had been mixed up with himself in the troublous times that had been alluded to⁶⁵. [He] denied that he had ever indulged in such joking. Looking at the composition of the House--that the Chairman (Dr. Nelson) was involved in the same difficulties, as he (Mr. Mackenzie) and that they were surrounded by gentlemen for whose heads had been offered £500;⁶⁶ he did not think it was fair to be constantly attacking him for his share in the rebellion.⁶⁷ The Rev. Mr. Richardson, who had attended

Mr. Lount in his last moments would attest that that unfortunate man entertained the warmest feelings of affection for him to the last moment of his life; Mr. Lounts' only daughter now married in Michigan, spent a few days in Toronto some time ago, and passed them under his roof; and Mr. Lount's grand children were called by his (Mr. Mackenzie's) name.⁶⁸

Loud cries of order ... [came from] DR. FORTIER.⁶⁹

MR. MACKENZIE said if attacks of this sort were made upon him, he was at least, entitled to a few moments to reply. It was a satisfaction to him that having been, like the hon. member, long before the public,⁷⁰ he had been trusted by the four Ridings of the county of York, again, and again, and again, and again; and if an election were to take place there to-morrow, and he desired a seat for either, he should be as willingly elected as ever.⁷¹ Since it had come to this point, he would acknowledge that he had always opposed those who had betrayed Sir F.B. Head. Who first flattered him--then betrayed him--and then turned him out of the country almost weeping at his failure. If that Governor had not fallen into the hands of such cowardly flatterers, he would have got on very differently. He had provoked no remarks like those of the hon. member for Hamilton, but he was prepared to answer any that were made.⁷²

MR. H. SHERWOOD said the hon. member for Haldimand had provoked remarks. Did he not say he had made the hon. member for Hamilton a Knight?⁷³

MR. MACKENZIE said yes.⁷⁴

MR. H. SHERWOOD--The hon. member for Hamilton was made a knight for doing what he could to support the Government, while the hon. member for Haldimand was trying to subvert it.⁷⁵

MR. MACKENZIE had tried to put down the family compact; and they were put down; and they would be kept down.⁷⁶

MR. H. SHERWOOD had ample opportunities of seeing Mr. Lount in his last moments, and had heard him, in the most affecting manner, impute all the evils that had befallen himself and the country to the hon. member for Haldimand.⁷⁷

MR. MACKENZIE--That is not true.⁷⁸

MR. H. SHERWOOD heard it; and he would produce the commission on which that statement was taken, before 10 or 12 persons, and he would publish it.⁷⁹

MR. MACKENZIE--The hon. gentleman could not do it.⁸⁰

MR. H. SHERWOOD could prove it,⁸¹ [and] could do a great deal more,⁸² unless, indeed, the hon. member for Haldimand had done with the proofs what he once did with the mail.⁸³ (Loud cries of "order.")⁸⁴ He had no desire to advert to those matters, but he would do so constantly--would, night after night, throw them into the teeth of the hon. member unless he treated other persons with proper courtesy.⁸⁵

MR. INSP. GEN. HINCKS moved an amendment to expunge this clause, but the motion was lost.--Yeas 21; Nays 35.⁸⁶

MR. MACKENZIE moved that the words in the 2nd clause, "Any other institution or school," be struck out. Motion lost.--Yeas 16; nays 39.⁸⁷

(152)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Nelson reported, That the Committee had gone through the Bill, and made amendments thereunto.

After some further conversation, the remaining clauses of the Bill were adopted, with some amendments, and the Committee rose. One of the amendments was, that the College do not hold property to a greater value than £5000 per annum.⁸⁸

(152)

Ordered, That the Report be received to-morrow.

Copyrights.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 25th July, 1850, for a copy of the Printed Lists of Books furnished by the Commissioners of Customs to be exposed at the Ports of this Province, respecting which notice shall have been given to such Commissioners by the proprietor of any Copyright in such Books, according to the Statute of the Imperial Parliament, 8 & 9 Vic. c. 93, s. 9.

Orphans' Home
and Female Aid
Society Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Orphans' Home and Female Aid Society of Toronto, being read;

The House accordingly resolved itself into the said Committee.

Mr. Flint took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;

And Mr. Flint reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be engrossed, and read the third time to-morrow.

Orders of
the Day.

Mr. Mackenzie moved, seconded by Mr. Notman, and the Question being put, That the remaining Orders of the day be postponed until to-morrow; the House divided:--And it passed in the Negative.

Toronto House of
Industry Bill.

The Order of the day for the House in Committee on the Bill to incorporate the House of Industry of Toronto, being read;

The House accordingly resolved itself into the said Committee.

The Honorable Mr. Badgley took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. Badgley reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be engrossed, and read the third time to-morrow.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Boulton of Toronto, seconded by the Honorable Mr. Sherwood,

The House adjourned.

40. BRITISH COLONIST, 11 July 1851.
41. HAMILTON SPECTATOR, 12 July 1851.
42. BRITISH COLONIST, 11 July 1851.
43. HAMILTON SPECTATOR, 12 July 1851.
44. BRITISH COLONIST, 11 July 1851.
45. HAMILTON SPECTATOR, 12 July 1851.
46. MONTREAL GAZETTE, 11 July 1851.
47. BRITISH COLONIST, 11 July 1851.
48. GLOBE, 12 July 1851.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. BRITISH COLONIST, 11 July 1851.
54. GLOBE, 12 July 1851.
55. BRITISH COLONIST, 11 July 1851.
56. GLOBE, 12 July 1851.
57. BRITISH COLONIST, 11 July 1851.
58. GLOBE, 12 July 1851.
59. BRITISH COLONIST, 11 July 1851.
60. IBID.
61. IBID.
62. GLOBE, 12 July 1851.
63. BRITISH COLONIST, 11 July 1851.
64. GLOBE, 12 July 1851.
65. IBID.
66. BRITISH COLONIST, 11 July 1851.
67. MONTREAL GAZETTE, 11 July 1851.
68. BRITISH COLONIST, 11 July 1851.
69. IBID.
70. IBID.
71. GLOBE, 12 July 1851.
72. BRITISH COLONIST, 11 July 1851.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. BRITISH COLONIST, 11 July 1851.
79. GLOBE, 12 July 1851.
80. IBID.
81. BRITISH COLONIST, 11 July 1851.
82. GLOBE, 12 July 1851.
83. BRITISH COLONIST, 11 July 1851.
84. GLOBE, 12 July 1851.
85. BRITISH COLONIST, 11 July 1851.
86. IBID. MONTREAL GAZETTE, 11 July 1851, reported that the vote was lost
35 to 24.
87. BRITISH COLONIST, 11 July 1851.
88. IBID.

FOOTNOTES: 9 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 11 July 1851, GLOBE, 12 July 1851, HAMILTON SPECTATOR, 12 July 1851, PILOT, 15 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
2. BRITISH COLONIST, 11 July 1851.
3. The following papers reported the debate on this matter in partially identical accounts: BRITISH COLONIST, 11 July 1851, GLOBE, 12 July 1851, HAMILTON SPECTATOR, 12 July 1851, PILOT, 15 July 1851, MONTREAL TRANSCRIPT, 15 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
4. BRITISH COLONIST, 11 July 1851.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. The following papers reported that Mr. H. Smith of Frontenac moved this amendment: BRITISH COLONIST, 11 July 1851, GLOBE, 12 July 1851, HAMILTON SPECTATOR, 12 July 1851, PILOT, 15 July 1851, MONTREAL TRANSCRIPT, 15 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
11. BRITISH COLONIST, 11 July 1851.
12. The following papers reported the debate on this matter in partially identical accounts: MONTREAL GAZETTE, 11 July 1851, MORNING CHRONICLE, 11 July 1851, GLOBE, 12 July 1851, MONTREAL TRANSCRIPT, 12 July 1851, LA MINERVE, 12 July 1851; BRITISH COLONIST, 11 July 1851, HAMILTON SPECTATOR, 12 July 1851, PILOT, 15 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
13. MONTREAL GAZETTE, 11 July 1851.
14. BRITISH COLONIST, 11 July 1851.
15. MONTREAL GAZETTE, 11 July 1851.
16. BRITISH COLONIST, 11 July 1851.
17. GLOBE, 12 July 1851.
18. IBID.
19. BRITISH COLONIST, 11 July 1851.
20. GLOBE, 12 July 1851.
21. BRITISH COLONIST, 11 July 1851.
22. IBID.
23. GLOBE, 12 July 1851.
24. BRITISH COLONIST, 11 July 1851.
25. IBID.
26. IBID.
27. GLOBE, 12 July 1851.
28. BRITISH COLONIST, 11 July 1851.
29. GLOBE, 12 July 1851.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. BRITISH COLONIST, 11 July 1851.
35. IBID.
36. GLOBE, 12 July 1851.
37. IBID.
38. BRITISH COLONIST, 11 July 1851.
39. GLOBE, 12 July 1851.

THURSDAY, 10 JULY 1851.

(152)

Petitions read.

PURSUANT to the Order of the day, the following Petitions were read:--

Of J.L. Jacobs and others, of Bytown; praying that the vested interests of the Clergy of the various Religious denominations of Christians in the Province, acquired by the Act of settlement of 1840, may be so respected as to prevent any further legislation on the subject of the Clergy Reserves.

Of D. Burnet, Esquire, and others interested in the Lumber Trade; praying aid to open a Road from the River St. Maurice, or some one of its tributaries, to the nearest settlement either in the District of Quebec or that of Three Rivers, or otherwise that they may be authorized to make the said Road and retain the amount required therefor out of the Duties which shall be due by them for their Licenses to cut Timber on the Crown Lands in that vicinity.

Of the Municipal Council of the County of Bellechase; praying for the adoption of measures to promote the construction of the Halifax and Quebec Railway.

Of L.J. Godin, Esquire, and others, of Fief St. Etienne, County of St. Maurice; praying that titles may be granted to them for the lands which they have improved and now occupy in the said Fief.

Of the Reverend Thomas Bonsfield and others, of Picton, County of Prince Edward; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the Public Service.

Petitions referred.

Ordered, That the Petition of Henry Wulff Trigge and others, be referred to the Select Committee to which was referred the Petition of Peter Patterson, Esquire, and others, Merchants of Quebec.

Ordered, That the Petition of Pierre Dorion, Esquire, and others, inhabitants of the Parishes in the neighborhood of Quebec, be referred to the Select Committee to which was referred the Bill further to amend the Ordinances incorporating the City of Quebec.

Sixth Report of Committee on Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Marine Mutual Insurance Company of Montreal, and the Bill to indemnify the Municipal Councillors of the County of Peterborough, and others, for acts done under a certain By-Law of the Municipal Council of the said County which was afterwards quashed, and have agreed to report the said Bills without amendment.

Your Committee have also examined the Bill to revive the Act authorizing the Inhabitants of the Seignior of Yamaska to regulate the Common of the said Seignior, and have made an amendment thereto; and have also examined the Bill to revive and amend the Act relating to the Common of Maskinongé, to which they have made several amendments,--all of which amendments they submit for the consideration of Your Honorable House.

Montreal Marine Mutual Insurance Company Bill.

Ordered, That the Bill to incorporate the Marine Mutual Insurance Company of Montreal, be engrossed, and read a third time to-morrow.

Maskinongé Common Bill.

Ordered, That the Bill to revive and amend the Act relating to the Common of Maskinongé, as reported from the Standing Committee on Miscellaneous Private Bills,

(153)

be committed to a Committee of the whole House, for to-morrow.

Yamaska
Common Bill.

Ordered, That the Bill to revive the Act authorizing the Inhabitants of the Seignior of Yamaska to regulate the Common of the said Seignior, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

Wesleyan
Benevolent
Societies Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to incorporate the Benevolent Societies of the Wesleyan Methodist Church in Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Twynam's
Attorney Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to authorize the Courts of Queen's Bench, Common Pleas, and of Chancery, in the Province of Canada, to admit William Edwin Twynam to practise as an Attorney and Solicitor therein.

He accordingly presented the said Bill to the House and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Newspapers
Postage
Exemption
Bill.

Ordered, That Mr. Boulton of Toronto have leave to bring in a Bill to exempt Proprietors of Newspapers from the payment of Postage in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Cartier, seconded by Mr. Nelson,

Montreal
Provident and
Savings Bank.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, any Report which may have been made to His Excellency by the Commissioners appointed to enquire into the affairs and management of the Montreal Provident and Savings Bank, together with such Evidence as shall have been submitted to them in the course of their investigations, and produced in support of the said Report.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill relating to
the Municipality
of Drummond.

Ordered, That Mr. Fortier have leave to bring in a Bill to transfer the place of holding the Meetings of the Municipal Council of the Municipality of Drummond, Number Two, from French Village in the Township of Kingsey, to the Village of Stanford in the said Municipality.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

*On motion of Mr. Boulton of Toronto, seconded by Mr. Stevenson,*¹

MR. W. BOULTON moved for an Address to His Excellency, for a Return of the number of Inquests held in the Provincial Lunatic Asylum, since its occupancy, and the causes of the deaths, together with the evidence given at said Inquests, and the result of such investigations.² In doing so he stated that, there had been lately more deaths within a given period than there had ever been previously in the Asylum; and he mentioned the case of a Mrs. Gillon or Dillon, who had been taken to the Asylum as a person very likely to commit suicide, but who had been neglected, so that she had an opportunity of which she availed herself to put an end to her existence. It had come to his knowledge also that the coroner who had been in the habit of holding inquests in the Asylum, having compelled the Superintendent to give evidence without the usual fee, because he was in receipt of an annual salary, had never since that time been sent for, although thirteen or fourteen inquests had been held, for some of which a coroner had been brought from Hamilton by telegraphic message.³

MR. INSP. GEN. HINCKS gave a flat denial to all the statements which had been made.⁴ [He] opposed the motion. He was willing to give the evidence on the inquest of Mrs. Gilbert, who committed suicide by hanging herself.⁵ Dr. Scott never refused to give evidence without a fee.⁶

MR. W. BOULTON reiterated⁷ the same flat assertion⁸ which, he said, he derived from a party who could not have made a mistake.⁹

MR. INSP. GEN. HINCKS said it was untrue. Equally untrue were the assertions which had been made with regard to Mr. Wetenhall, for though Dr. Scott had not followed Dr. Widmer's advice, he had treated it with respect. To show this, the hon. gentleman read a letter from Dr. Widmer to Dr. Scott, the former of whom expressed his disbelief of the charges of violent language, and his approbation of the treatment which had been followed. With regard to the woman who had been alluded to, it was not true¹⁰ as had been stated¹¹ that she was placed in a room with a four-post bed¹². There was no such thing in the institution. Nor was she alone. On the contrary, having been kept for some time in restraint, she appeared to be recovering, and was allowed to sleep not alone, but with another patient; and she was visited at 10 or 11 o'clock on the night of her death.¹³ The hon. gentleman went on to vindicate the character of the officers of the institution, who acted under directors of known position in society and of all parties.¹⁴ The hon. member concluded by a warm censure on the cruelty of lightly bringing charges against professional men performing a public duty, such as that of Dr. Scott's¹⁵. He condemned the practice of bringing serious charges on the authority of mere rumour; and denounced the wholesale censure implied in the motion before the House. He, however, consented to the return so far as it related to Mrs. Gilbert, the female who had committed suicide.¹⁶

MR. ROBINSON thought the hon. Inspector General went a little too far when he said that there was no ground for the motion.¹⁷ There were sufficient grounds for an enquiry; and it ought to be granted.¹⁸ If the Institution were to stand well with the Province, all inquiry must not be suppressed.¹⁹

MR. NOTMAN opposed the enquiry; and he hoped the motion would be unanimously rejected.²⁰ [He] bore testimony to the efficiency of Dr. Scott, Medical Superintendent of the Asylum. He (Mr. N.) believed that the conduct of that gentleman would be found to be irreproachable.²¹ He had often visited the institution, and his opinion was that it was conducted in the best possible way. He, therefore, desired to avoid a proceeding which would be similar to the finding of a bill by the Grand Jury.²²

MR. H. SHERWOOD contended that a public institution like this Asylum ought to be open to public inquiry.²³ [He] had a very high opinion of Dr. Scott, and²⁴ he ... thought Dr. Scott a very competent and zealous person, and was not prepared to say that he was not so;--indeed there was nothing in the motion at all derogatory to Dr. Scott, but the public mind should be satisfied, so as to prevent the fear naturally created in the minds of relatives of sending the afflicted to the Asylum, where they ought to go.²⁵ It was highly inexpedient in the Government to resist a motion of this kind, which implied no actual censure, but merely sought information to which the house was fairly entitled.²⁶ He repeated the assertion of his confidence in the management [sic] and character of the Superintendent.²⁷ No matter whether the charges made against the Medical Superintendent of the Institution were true or not it was highly important that the evidence taken at the inquests should be granted. If it were withheld a distrust would be thrown over the management of the Institution that would have a very detrimental effect. He did not assume the rumours against Dr. Scott to be true; but they had been circulated all over the country, and the suspicion would be increased if the information respecting the deaths of our fellow beings were withheld. There ought to be no hesitation about granting it; it should be sufficient that it is asked for by one member if he could hardly obtain a seconder.²⁸

MR. AT. GEN. LAFONTAINE opposed the production of the information²⁹ [and] resisted the motion on the ground that it would be irregular to bring up in the house the records of coronors' [sic] or other courts³⁰. Was this house to be converted into a Court of Appeal from all the Courts of the country? A very strong case should be made out to justify the production of information of this kind.³¹

MR. COM. CR. LANDS PRICE took a similar view, and³² [he] vehemently opposed the motion. He was astonished that gentlemen of education could be found to accept office in this country, subject as they were to every breath of political calumny. For what purpose was the evidence taken on the inquests demanded? For no other purpose than to make out a case against Dr. Scott in the management of this Institution; it was in fact a proposal to put Dr. Scott on his trial.³³ [He] denied another of the allegations made the other night, that the Superintendent had declined to allow a parent to leave the asylum to see a dying child. Dr. Widmer had told him (Mr. Price) that there was not a shadow of a charge against Dr. Scott. But the hon. member, like the hon. member for Haldimand, desired to influence the election--he wished to show that he was the special protector of the unfortunate.³⁴

MR. AT. GEN. BALDWIN said a mistaken idea prevailed with regard to calls of information of this kind. It seemed to be taken for granted that a member had nothing to do but to get up and ask for information and the government must grant it. The true principle was to grant no information, unless a case were made out; some tangible evidence showing that the public would be benefitted by the production.³⁵ No member had a right to ask for returns of this nature, unless he were prepared to state on his own responsibility that the public interest required their production.³⁶ He took blame to himself for having been too ready to grant information while a member of the Government and he hoped the Government in future would be more determined in resisting calls of this kind.³⁷ He opposed the motion on the ground that no case had been made to justify it.³⁸

MR. H. BOULTON supported the motion. He was rather amused at the extraordinary zest exhibited by the Commissioner of Crown Lands in defending the Medical Superintendent, whom he (Mr. B.) had never exchanged a word with, and was therefore unprejudiced with regard to him. He (Mr. P.) had said that men would not be found to fill important offices of trust like that of Medical Superin-

tendent of the asylum, subjected as they were to the calumnies of dismissed servants who were scoundrels.³⁹ Mr. Boulton reproved Mr. Price for⁴⁰ some imputations that had been cast on the character of Coppin, a discharged keeper of the Asylum, on whose petition the hon. member for Toronto in the first instance brought the matter before the house. Coppin had been stigmatised as "a scoundrel, who had resigned in order to avoid being kicked out."⁴¹ The person alluded to was just as respectable as the hon. Commissioner of Crown Lands, in corroboration of which the hon. gentleman read a testimonial from the Earl of Errol, Captain of the Rifle Brigade, giving an excellent character to Coppin, who was Sergeant to that regiment for 12 years; and other testimonials ... Primrose, and ... of Coppin during the time he had been a servant in the asylum.⁴² The Government, so tender now about Dr. Scott, were by no means equally delicate when Dr. Parke was assailed anonymously in a public newspaper.⁴³ Was it right for a member of the government to denounce as a scoundrel a man whose character stood so high as these testimonials showed in the case of Coppin? It was unfair to Dr. Scott to deny an inquiry into grave charges made on such high authority as this. The Inspector General said that the woman who hanged herself was not left alone, that another mad woman was put into bed with her. It was the first time he had heard of one madman being set to watch another. That was the protection given to lunatics in this institution. If Dr. Scott had conducted himself properly, an enquiry would redound to his honour, and he could not be afraid of enquiry if there was nothing wrong.⁴⁴

DR. NELSON was of opinion that no inquiry should be permitted like that contemplated in the motion, unless some foundations were shown for the charges. In proof of this he mentioned a letter he had received that day, giving an account of the charges lately brought against the Medical Superintendent of the Marine Hospital, Quebec, which charge, he said, had lately been given up, when fairly tested by the very people who had been the first to make it. He, however, desired some inquiry into the statement relative to the change in Coroners, and also into the larger increase in the number of deaths--a circumstance which admitted of many explanations. In reply to a demand of Mr. Boulton's, he said that it seemed at first sight culpable negligence to allow one lunatic to take charge of another; but there were various kinds of insanity, and in Europe, lunatics were sometimes arranged in squads, under the charge of one of themselves.⁴⁵ Dr. Nelson, while admitting the force of many of the reasons that had been advanced against the motion, thought⁴⁶ it would be just as well to accede to the motion⁴⁷ in order that the many painful rumours which were afloat might be put at rest.⁴⁸

MR. W. BOULTON, in reply to Mr. Price's statement that Coppin was a discharge [sic] scoundrel, or that he resigned because he feared dismissal, said that he resigned because the Medical Superintendent would not permit him to see his dying child. The Commissioner of Crown Lands had resorted to a miserable quibble in stating that the child could not be dying because it was alive now; his (Coppin's) wife believed it to be dying, and sent word to that effect to her husband, who, because the Medical Superintendent would not let him see it, had the manliness and the right feeling to resign. That was the reason of his resignation, and not because he was a scoundrel who feared dismissal. The hon. gentleman then read extracts from⁴⁹ the Kingston Herald and the Hamilton Journal & Express⁵⁰, two ministerial papers, one of the editors of which had visited the asylum, speaking in the strongest terms of condemnation of the management of the institution.⁵¹ Both ... [papers] spoke in condemnatory terms of the management of the Asylum⁵², [and] both [complained] of the bad classification of the lunatics.⁵³ The hon. member went on to comment on the management of the institution, repeating many of his previous statements.⁵⁴ He denied, on the

authority of the deceased woman's brother, that she was recovering at the time of her death. The very evening before that occurrence, Dr. Scott told her brother that he despaired of her.⁵⁵ The return sent down to this house showed that an investigation was necessary. It showed that the evidence of Mr. Sutherland containing several charges against the Medical Superintendent, was suppressed, and did not appear on the minutes of the institution. The return also showed that in 1851 the Medical Superintendents punished the patients; a system long ago abandoned as barbarous by all other institutions of this kind on this continent. In the case of Mr. Wetenhall, when injured by another lunatic, the Medical Superintendent not only refused to excise the wound at the suggestion of Dr. Widmer, but ... he had made use of the language imputed to him. (Pooh, the old fool! what does he know about it?)⁵⁶

MR. INSP. GEN. HINCKS said, that in regard to the mortality in the institution, it was well to mention that it was less than in other similar institutions in the States⁵⁷. He read a statement setting forth the relative rates of mortality here and in Institutions of a similar kind in the United States. The mortality there had ranged from⁵⁸ eight, ten, eleven, and twelve per cent⁵⁹ in the last year, while at the Toronto Asylum it had been only six per cent.⁶⁰ He asserted that all the charges had been investigated by the commissioners, who had found them all to be unfounded.⁶¹ Sutherland, for various acts of carelessness, had been removed at the instance [sic] of Dr. Scott, and was prejudiced against the Medical Superintendent. For that reason his evidence had not been entered on the records of the institution. The charges against Dr. Scott were for using harsh language and not for harsh treatment of the patients.⁶²

MR. W. BOULTON consented to modify his motion as suggested by the Inspector General.⁶³

(153)

Inquests held at
the Provincial
Lunatic Asylum.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of the number of Inquests held at the Provincial Lunatic Asylum since its occupancy, and the causes of the deaths, together with the Evidence given at an Inquest held on the body of Mrs. Gilbert, and the result of such investigation.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

In this shape it was agreed to unanimously.⁶⁴

(153)

On motion of Mr. Boulton of Toronto, seconded by Mr. McConnell,

Queen's, Regiopolis,
and Victoria
Colleges.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of the affairs of Queen's, Regiopolis, and Victoria Colleges, from 1st January, 1848, to 1st January, 1851, shewing the names of the Officers of each Institution, with the date of their several appointments, the salary attached to each office, and the period up to which such salary has been paid; the number of Pupils in attendance at each of the said Institutions, during the same period, on the first days of January and July in each year, and the average amount paid by each Pupil annually for education, exclusive of board and lodging; and also a similar Return where board and lodging is included.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:

Bill relating
to Notaries.

Bill, intituled, "An Act to amend a certain Act passed in the twelfth year of Her Majesty's Reign, relating to Notaries:"

Montreal Firemens'
Benevolent Asso-
ciation Bill.

Bill, intituled, "An Act to amend the Act incorporating the Montreal Firemens' Benevolent Association."

And then he withdrew.

State of the
Province.

The Honorable Mr. Boulton moved, seconded by Mr. Hopkins, and the Question being proposed, That this House do now resolve itself into a Committee, to take into consideration the State of the Province, with reference to the resignation of the Honorable Robert Baldwin of his seat in the Cabinet, and of his continuance to hold the subordinate office of Attorney General to which that seat has, since the Union, been attached;⁶⁵

MR. H. BOULTON remarked that⁶⁶ it was ... ten years since responsible government had been introduced by certain resolutions passed in 1841⁶⁷, and the country were [*sic*] deeply interested in knowing how the system had worked.⁶⁸ The hon. gentleman then read from the journals a resolution on the subject of Responsible Government moved by Mr. Baldwin in 1841.⁶⁹ The course of proceedings contemplated by those resolutions was that which prevailed in England, in opposition to that which had formerly prevailed in the Province, with the exception of a momentary attempt under Sir F.B. Head.⁷⁰ The instance to which he desired to call attention⁷¹, [the resolution] of the late Attorney General West⁷², was, he believed the first in which gentlemen who had always--in words at least --contended for responsible government, had persisted in a practice which appeared to him to repudiate, to a large extent, the principle involved.⁷³ In England when any member of an administration resigned his place, if he were not followed immediately by his successor, he retained all the political responsibility of office. It had also been the custom in the Province that the Attornies General should be the leaders of the cabinet, and he therefore compared those officers to analogous officers in England. He thought then, that the Attornies General resembled, as to duties, the Home Secretary of State in England. But he never found that any Home Secretary had ever remained in the anomalous position now occupied by the hon. member for North York. He had resigned; but it was said he would for the present fulfil the duties of his late office, the administration being still responsible for the gestion of his office. That was quite inconsistent with responsible government, and had never had any precedent in England in the case of any great officer of the Crown. When the Attornies General had been reproached for not going circuit, the House had been told that they were too much occupied with political business in the cabinet, which was said to be of much more consequence than mere official business, to enable them to prosecute the criminal trials. How then, did it happen that at present, when there was no Attorney General (West) in the cabinet, these important political duties could be dispensed with? The present cabinet started with eleven members: it had now dwindled to seven.⁷⁴ The fact that

the cabinet had been reduced in point of members, and was carried on without the Attorney General, who had been regarded as one of the leaders, seemed to him (Mr. Boulton) a mocking of responsible government, as previously explained by the members of the present ministry. One explanation of the policy of the ministry might, perhaps, be found in the circumstances that their policy had been so repugnant to the country that they were not in a condition to appeal to any constituency in Upper Canada for the return of any person whom they might think proper to appoint to any high office, and, consequently, they had appointed members of the Legislative Council--⁷⁵ the Receiver General, the Commissioner of Public Works, the Provincial Secretary, and the Post Master General⁷⁶--gentlemen, no doubt, of character and talent, but⁷⁷ [the] places had been filled up in such a manner as to avoid any appeal to people. Looking at the Cabinet as it now existed, indeed, it could hardly be said to represent Upper Canada at all. With regard to the hon. Inspector General, he was an able debater and up to his work; but was only so much the more objectionable on that account to Upper Canada, for it was this very fact which made the hon. member (if he might use such a word) a cosmopolitan--equally interested in both parts of the Province. He was not aware of any measure in which the two sections of the Province seemed to have opposite interests, in which the hon. member did not support the interest of Lower Canada as distinct from that of Upper Canada. He instanced the question of representation according to population, the hon. member for Oxford being opposed to that principle, and in favour of the equal representation of the two Provinces.⁷⁸

MR. AT. GEN. LAFONTAINE--and you too.⁷⁹

MR. H. BOULTON denied this and went on to say that the Crown Lands Commissioner was the only real representative of Upper Canada still remaining in the Cabinet. How then, could Upper Canadian interest be protected on questions like that of the Seat of Government, &c.? Believing this state of things very unjust to Upper Canada, he now moved for the committee. He concluded by reading a set of resolutions, which he intended to move if the committee were granted⁸⁰--

(153)

with an Instruction to the Committee, to consider the following proposed Resolutions, and report thereon to the House:

1. *That in the first Session of the first Parliament of this Province after the Union, the Honorable Robert Baldwin moved to resolve, "That in order to preserve that harmony between the different branches of the Provincial Parliament which is essential to the happy conduct of public affairs, the principal of such subordinate officers, Advisers of the Representative of the Sovereign, and constituting, as such, the Provincial Administration under him, as the head of the Provincial Government, ought always to be men possessed of the public confidence, whose opinions and policy, harmonizing with those of the Representatives of the People, would afford a guarantee that the well understood wishes and interests of the People, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will at all times be faithfully represented to the head of that Government, and through him to the Sovereign and the Imperial Parliament."*

(154)

2. *That after a struggle of many years by the People of Canada through their Representatives, the principles of Responsible Government have been fully acknowledged to exist in this Province, upon the model of that system which (commencing with the Accession of the House of Hanover to the British Throne,) has gradually developed its popular energies to the full exercise of the Executive powers of the State.*

3. *That since the recognition of this system as applicable to the management of our local affairs, the office of Attorney General, notwithstanding in-*

dividual opinions to the contrary, has been regarded in every successive change of Ministry in this Province as one of the highest in the administration of public affairs to which a seat in the Provincial Cabinet has undeviatingly been attached.

4. That upon the resignation of the Seals of Office by a Cabinet Minister in England, such resignation includes not merely his seat in the Councils of his Sovereign, but emphatically the Office to which that seat may have been attached; and although it occasionally happens that upon such resignation being accepted, the Sovereign desires such Minister to continue in office ad interim until his successor shall be appointed, yet such continuance entails upon the retiring Minister all the political responsibilities of the Cabinet and of which he cannot relieve himself so long as he continues, however temporarily, to discharge the duties of his official station.

5. That the resignation of the Honorable Robert Baldwin of his office of Attorney General, and his seat in the Cabinet, having been accepted by His Excellency the Governor General, as communicated to the Legislative Assembly by that Honorable Gentleman in his place in this House, on Monday the 30th June last, it is in violation of the principles which he himself has heretofore advocated, and at variance with the usage of British Statesmen which he on all occasions has professed to regard as his guide in questions of a constitutional character, that he should in his person separate the subordinate office of Attorney General from his seat in the Provincial Cabinet, thereby retaining the emoluments and discharging the duties of his high office in subordination to his former colleagues, while he exonerates himself from that responsibility, which in the first Session of the first Parliament of United Canada he so emphatically declared should attach to the principal subordinate officers, Advisers of the Representative of the Sovereign;

And a Debate arising thereupon;

MR. AT. GEN. LAFONTAINE did not desire to occupy the time of the House, more than was necessary, and he therefore called on all gentlemen who desired to say anything on this subject in opposition to the Cabinet to do so, that he might answer all at once.⁸¹ Il est évident, que c'est un vote de non-confiance que M. Boulton veut arracher à la chambre par un moyen indirect; nous voulons que la chambre donne son verdict ce soir, pour ou contre nous.⁸²

MR. PAPINEAU⁸³ attaqua les ministres avec sa violence ordinaire, en les accusant de corruption. Il ne trouva qu'un honnête homme parmi eux, M. Baldwin.⁸⁴ [He] expressed his surprise at not seeing the hon. member, who was the subject of the present motion, rise at once to defend his position, and explain how he reconciled it with his old assertions, that the cabinet should be filled only by heads of departments. The hon. gentleman had acted with that honor which was to be expected from him. He found that he was not supported by his countrymen on a favorite measure--that the Court of Chancery was doomed--and he would not hold office merely by the support of gentlemen [sic] who knew nothing about the Court, and would not dare to inflict it on their own constituents. The hon. member, however, was praised by his colleagues for retiring, but in praising him they evidently condemned themselves, who acted so differently from him. The question before the house was important--it related to the principles by which the hon. gentlemen and their successors should be governed. If the announcement of resignation were to be taken as an Indication of repentance, it would be an honor to the Ministry. But this would not be so, if the law-officers of the Crown were to be at once the impassioned partizans and the calm legal advisers of the Crown. The absurdity of this system was shown by what had taken place; the defeat of the ministry not having been brought about by political combinations, but by the success of a motion made by a new member without political influence. But the

partial resignation of the hon. member for North York did not excuse him for not following it up to its legitimate extent; for he had held one branch of his office merely because he held the other. This somewhat diminished the respect he had always felt for the hon. member, and must be added to the other flaw in his character, which he (Mr. Papineau) saw in his consent to impose the Union Act on the people of Lower Canada against the wishes of nine-tenths of the population. It was said that it would be inconvenient at the present period to make a new appointment because there would be no time for an election. But it was evident the country would not suffer from that, since the present Attorney [sic] General neither went into the Courts, nor had he political responsibility in the house. It seemed, indeed, that ministers did not desire to make too speedy appointments, for in Upper Canada the elections had not gone very favorably of late; and in Lower Canada they had done better only by making use of that House, which had always been the stay of bad government.--Instead of the ministerial benches being graced by four members from Lower Canada, the hon. Attorney General had no colleague in the ministry from that part of the Province; they being all in the Upper House. He concluded by saying that the man of precedents was the man who had made an unprecedented precedent for the future, and that one a bad one.⁸⁵

MR. AT. GEN. LAFONTAINE lui donna l'une de ces sanglantes flagellations qui laissent après elles une empreinte.⁸⁶ [He] said when a man died, people began to praise him. So it was with the late hon. Attorney General. He was heartily abused last year by the hon. member for St. Maurice, who then thought the Crown Land Commissioner [Mr. Price] the only honest man in the cabinet, and who seemed really to believe himself the only honest man in the place. He then pointed out the inconsistency between the members from Norfolk and St. Maurice; the first thinking the present ministry too numerous; the latter saying that the ministerial benches should be "graced" by four members from each section--the word "graced" no doubt being used in anticipation of the hon. member one day sitting on those benches himself. The hon. member for St. Maurice had complained of the Attorney General and Solicitor General being members of the Cabinet. Now, he thought the hon. member had once praised the constitution of England; he had also been an admirer of the constitution of France; and he was also a great admirer of the constitution of the United States. But would any one compare the administration of justice in England with that of Socialist Republican France, with a revolution every few years. Speaking of the votes of the Lower Canadian members he said that he had never solicited a vote from any one of his colleagues. The hon. member had stated that the ministry had not dared to appeal to the constituencies. This was not the case. The ministry had not dared to appeal to the second constituency in Lower Canada, and a few months after the hon. member had been haranguing the City of Quebec, his own candidate was defeated by a member of the Administration. He alluded to some other elections in Lower Canada, and expressed the willingness with which he would, last year, have challenged the hon. member for St. Maurice in his own county. He then turned to Mr. Boulton, and reproached him with his alleged inconsistencies, in the same train of sarcasm as he had employed in the case of Mr. Papineau, remarking on the hon. gentleman's change of opinion as to the number of persons who should compose the ministry. He went on to dilate on the British Constitution. One of its best features was that it was not written, and adapted itself to every circumstance without revolution as in France. The hon. member for Norfolk showed his little knowledge of the British Constitution, by his limiting in such narrow space the powers of the Crown. He defended Mr. Hincks from the attacks of Mr. Boulton, and stated that both sides of this House would stand in need of his services as financier; and if the hon. member for Norfolk did as much good for the country as the Inspector General had done, that he would stand a chance of re-election.⁸⁷

MR. AT. GEN. BALDWIN expressed his thankfulness for the sentiments which had been expressed in his behalf. He had tendered his resignation of both offices to the Governor General, and only retained one for the sake of his late colleagues at their request; and he believed he would have been wanting in his duty to his country if he had refused to accede to the request of his colleagues. He censured the wild schemes of Mr. Boulton; and contended that it would be a manlier course to have brought at once a vote of want of confidence. That would have been the proper test. The Minister was not only responsible to his own constituents [sic] but to the country at large. He defended his late colleagues from the charge of corruption, and⁸⁸ [il] dit que s'il y avait des hommes intègres, c'était ses anciens collègues, et qu'il ne demandait pas au ciel de placer des hommes plus honorables et plus intègres à la tête du gouvernement.⁸⁹ There never was a cabinet influenced by purer motives. To this he bore his testimony as an independent member. He did not think the gentlemen of the regular opposition would be ready at this moment to take the responsibility of breaking up the ministry. He would not if he were in their place. He did not think his late colleagues would be doing their duty to the country by breaking up the ministry in the present juncture of affairs.⁹⁰

COL. PRINCE said the resolutions of the hon. member for Norfolk were constitutional. He spoke against the Attorney General's having a seat in the Cabinet⁹¹. [He] said the practice in England is that in the retirement of the Attorney General the Solicitor General invariably takes his place and the same course should [be] followed here⁹² and ... [he] expressed the belief that the Solicitor General should take the place of Mr. Baldwin.⁹³ It was due to the Solicitor General West that the office should be offered to him.⁹⁴

SIR A. MACNAB suggested the postponement of the resolutions until they were printed, and put a motion to that effect.⁹⁵

(154)

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the Debate be adjourned until Thursday next, and the Motion be printed;

MR. H. SHERWOOD followed, taking the same view.⁹⁶

MR. INSP. GEN. HINCKS opposed the postponement⁹⁷ [and he] said if it were intended to move an amendment, it should have been done at first. The resolution⁹⁸ would be a vote of want of confidence; and he was prepared to take it at once. He alluded to the position of affairs⁹⁹ [when] the parliament in its last session was fast drawing to a close¹⁰⁰, and stated that¹⁰¹ the Attorney General East¹⁰² [Mr.] Lafontaine and¹⁰³ the Commissioner of Crown Lands¹⁰⁴ [Mr.] Price had expressed their intention of resigning and that before another session of Parliament, a new Administration would have to be formed¹⁰⁵ [and] the government would ... have to be entirely re-constructed. It was impossible to say what course the nobleman at the head of the government would take when the Attorney General East tenders his resignation.¹⁰⁶ He did not think, in these circumstances, that it would be prudent to attempt to fill up the place of Mr. Baldwin, as such a course could only produce embarrassment. He went on to reply to the remarks of Mr. Boulton, contending that Upper Canada was sufficiently represented in the cabinet. The Postmaster General, who had a seat in the Upper House, was from Upper Canada. The members of the cabinet in the Upper House were equally answerable to public opinion with those in that House, and the present vote would equally affect them. He went on to refer to the other members of the cabinet in the Upper House and stated that the Commissioner of Public Works enjoyed the confidence of the country. He did not think that it would answer any good end for the responsible minister to be a professional man and the Public Works Act

was to prevent this.¹⁰⁷ If the acts of the government gave satisfaction it was of no importance whether its members held a seat in one branch of the legislature or the other.¹⁰⁸ What was wanted was a good business man. He stated that¹⁰⁹ it was not just to the government that the motion should be postponed.¹¹⁰ The hon. members of the opposition should have asked the hon. member for Norfolk to postpone his resolutions at an earlier period in the debate.¹¹¹

MR. SHERWOOD said the regular opposition did not know anything about the resolutions, and if the Ministry would insist on the vote being immediately taken, they must take the consequences. He did not know how to vote. He had not seen the resolutions,¹¹² therefore, they should have time to consider [them].¹¹³

MR. MACDONALD (Kingston) pressed the postponement¹¹⁴. [He] thought the resolutions were ill-timed¹¹⁵, and [he] contended that the ministry would place the opposition in a false position by forcing them to a vote at that time.¹¹⁶ The regular opposition had not been consulted and should not now be called on to vote for them. If the regular opposition voted confidence in the government, then they would no longer be an opposition.¹¹⁷

MR. H. SMITH took the same view, and said the forcing them into a vote might make them give a vote they would not otherwise do.¹¹⁸

MR. AT. GEN. BALDWIN said, that while the affirmation was a vote of want of confidence, the resolutions were of such a nature, that the negation would not be a vote of confidence.¹¹⁹

SIR A. MACNAB stated, that he did not think the ministry acted fairly to the opposition in forcing them to the vote that night; they knew that Mr. Boulton formed no part of their (Sir Allan's) party.¹²⁰ He thought the government was not pursuing that course towards the opposition which they had a right to expect.¹²¹ He expected more courtesy from the government, as they had shown no factious opposition to it. He asked if it were ever known that members should be called on to vote on resolutions that were not printed.¹²² Not one of them had seen the resolutions before the hon. member for Norfolk introduced them ... [and] it was unfair to compel the opposition to vote on resolutions which they had not had an opportunity of reading.¹²³ It was no excuse to say that their request should have been made earlier: it was made as soon as it could be, without interrupting hon. members in their speeches.¹²⁴ The government felt that if these resolutions were defeated the effect would be a vote of confidence in them. Did they think that a vote of confidence so obtained would serve them in the country?¹²⁵

MR. CAUCHON said Sir Allan MacNab was unlike Mr. Boulton in that he was a clever practitioner [sic],--and to use a phrase, rather coarse, but which he meant in no offensive sense,--he would say the representative of Hamilton was a devil on the floor of the House. But he had overshot himself in this case, when he stated that the opposition had offered no factious opposition. They had voted against their own principles on the Chancery question the other day for the sake of factious opposition. (Cries of No!) He asserted that it was so, and that they had reversed their own votes of two years ago. He went on to argue at some length on the general principle of Responsible Government.¹²⁶

MR. SOL. GEN. DRUMMOND opposed the postponement, on the ground that it could not be consented to after the debate, as it would have the effect of letting it go to the country that the representatives of the people wanted time to consider if they would not press a vote of want of confidence to the Ministry.¹²⁷

MR. CHRISTIE made some remarks, but was nearly inaudible. He was understood to support the amendment. While he gave the ministry credit for sincerity and

honest motives in retaining their places, and did not want to press a vote of want of confidence in them, he must support the resolutions. He read from a resolution he had himself proposed last year, against the Attorneys General having seats in the house.¹²⁸

MR. MERRITT supported the amendment, and he had heard no sound reason urged against such a course. It was all nonsense to call the resolutions a vote of want of confidence; and from the sentiments which the opposition had expressed, their desire should be acceded to.¹²⁹

MR. H. BOULTON replied, speaking with great bitterness to the same effect as his former speech¹³⁰. [He] said he had introduced his resolutions as an independent member, without concern with any body. He did not know whether one or two or ten or fifty would support them and he did not much care; his object was to place on the records of parliament the constitutional principles by which we ought to be guided. The question was--was there a single instance of a minister in England resigning his seat in the cabinet and retaining the office which was attached to that seat?¹³¹ [He stated] that he would for ever put the ministry wrong on a great constitutional question¹³² if ... [they] insisted on pressing the question to a vote ... before all posterity.¹³³

DR. LATERRIERE made a few remarks in French, and [in conclusion]¹³⁴--

(154)

The Honorable Mr. LaTerrière moved in amendment to the Question, seconded by Mr. Fortier, That the words "Thursday next" be left out, and the words "this day six months" inserted instead thereof;

MR. AT. GEN. LAFONTAINE (in French) explained to him that the effect of this would be the same as postponing them for 6 or 3 days.¹³⁵

After some conversation, the amendment was put, and none stood up for it.¹³⁶

(154)

And the Question being put on the Amendment:--It passed in the Negative.

MR. G. SHERWOOD remarked on the anomaly of Dr. Laterrière voting against his own motion, saying that a messenger had been sent across the house to him from the leader of the government.¹³⁷ [He] spoke at some length, arguing that the Upper Canadian members were bound to follow Mr. Baldwin, or that he was bound to adhere to them. He was at the head of the ministry. But he objected to the resignation, on the ground that it created a double majority. He had no confidence whatever in the ministry, and desired to express this by his vote.¹³⁸

(154)

And the Question being put, That the Debate be adjourned until Thursday next, and the Motion be printed; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Christie, Dickson, Hopkins, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McLean, Merritt, Meyers, Papineau, Prince, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Baldwin, Bell, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Lyon,

Solicitor General Macdonald, McConnell, McFarland, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Viger, and Wilson.--(49.)

So it passed in the Negative.

SIR A. MACNAB after complaining of the discourtesy of the Ministry in forcing the vote argued that the resolutions were out of order¹³⁹ on the ground that no notice had been given.¹⁴⁰ [He] contended that under the ... [present system the question] could not be put without a notice as it contained ... the committee.¹⁴¹

MR. AT. GEN. LAFONTAINE said that [it] was too late to make the objection.¹⁴²

(154)

Notice being then taken that certain Resolutions were appended to the main Motion, to be referred to the Committee, of which no Notice had been given;

*After some further discussion on this point of order*¹⁴³--

(154)

and an Appeal being made to the Chair, Mr. Speaker decided that on that account the main Motion was not in order.

Orders
deferred.

Mr. Solicitor General Drummond moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the Orders of the day be postponed until to-morrow;

the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Chabot, Chauveau, Christie, Dickson, Solicitor General Drummond, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Letellier, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McLean, Merritt, Méthot, Meyers, Nelson, Papineau, Price, Richards, Sanborn, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Taché.--(41.)

NAYS.

Messieurs Armstrong, Bouthillier, Burritt, Cartier, Davignon, Duchesnay, Flint, Hall, Hopkins, Laurin, Lemieux, Mackenzie, McConnell, Mongenais, Morrison, Polette, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Stevenson, and Wilson.--(20.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Price,

The House adjourned.

FOOTNOTES: 10 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 11 July 1851, NORTH AMERICAN (Supplement), 18 July 1851; GLOBE, 12 July 1851, and PILOT, 17 July 1851. The debate was also reported by EXAMINER, 16 July 1851.
2. EXAMINER, 16 July 1851.
3. BRITISH COLONIST, 11 July 1851.
4. IBID.
5. EXAMINER, 16 July 1851.
6. BRITISH COLONIST, 11 July 1851.
7. GLOBE, 12 July 1851.
8. BRITISH COLONIST, 11 July 1851.
9. GLOBE, 12 July 1851.
10. IBID.
11. BRITISH COLONIST, 11 July 1851.
12. GLOBE, 12 July 1851.
13. BRITISH COLONIST, 11 July 1851.
14. GLOBE, 12 July 1851.
15. BRITISH COLONIST, 11 July 1851.
16. GLOBE, 12 July 1851.
17. IBID.
18. EXAMINER, 16 July 1851.
19. GLOBE, 12 July 1851.
20. EXAMINER, 16 July 1851.
21. GLOBE, 12 July 1851.
22. BRITISH COLONIST, 11 July 1851.
23. IBID.
24. GLOBE, 12 July 1851.
25. BRITISH COLONIST, 11 July 1851.
26. GLOBE, 12 July 1851.
27. BRITISH COLONIST, 11 July 1851.
28. EXAMINER, 16 July 1851.
29. IBID.
30. BRITISH COLONIST, 11 July 1851.
31. EXAMINER, 16 July 1851.
32. BRITISH COLONIST, 11 July 1851.
33. EXAMINER, 16 July 1851.
34. BRITISH COLONIST, 11 July 1851.
35. EXAMINER, 16 July 1851.
36. GLOBE, 12 July 1851.
37. EXAMINER, 16 July 1851.
38. GLOBE, 12 July 1851.
39. EXAMINER, 16 July 1851.
40. BRITISH COLONIST, 11 July 1851.
41. GLOBE, 12 July 1851.
42. EXAMINER, 16 July 1851. The ellipses represent illegible words.
43. BRITISH COLONIST, 11 July 1851.
44. EXAMINER, 16 July 1851.
45. BRITISH COLONIST, 11 July 1851.
46. GLOBE, 12 July 1851.
47. BRITISH COLONIST, 11 July 1851.
48. GLOBE, 12 July 1851.
49. EXAMINER, 16 July 1851.
50. GLOBE, 12 July 1851.
51. EXAMINER, 16 July 1851.

52. GLOBE, 12 July 1851.
53. BRITISH COLONIST, 11 July 1851.
54. GLOBE, 12 July 1851.
55. BRITISH COLONIST, 11 July 1851.
56. EXAMINER, 16 July 1851.
57. BRITISH COLONIST, 11 July 1851.
58. GLOBE, 12 July 1851.
59. BRITISH COLONIST, 11 July 1851.
60. GLOBE, 12 July 1851.
61. BRITISH COLONIST, 11 July 1851.
62. EXAMINER, 16 July 1851.
63. IBID.
64. GLOBE, 12 July 1851.
65. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 12 July 1851, MORNING CHRONICLE, 12 July 1851, MONTREAL TRANSCRIPT, 12 July 1851, which misdated the debate as 10 June, BRITISH WHIG, 12 July 1851, JOURNAL DE QUEBEC, 12 July 1841, which misdated the debate as 11 July; GLOBE, 12 July 1851, PILOT, 17 July 1851, and BATHURST COURIER, 22 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 11 July 1851, HAMILTON SPECTATOR, 12 July 1851, EXAMINER, 16 July 1851, and NORTH AMERICAN (Supplement), 18 July 1851. The debate was also reported by: MONTREAL GAZETTE, 15 July 1851; and JOURNAL DE QUEBEC, 17 July 1851, both of which contained commentaries on the subject.
66. GLOBE, 12 July 1851.
67. BRITISH COLONIST, 11 July 1851.
68. GLOBE, 12 July 1851.
69. EXAMINER, 16 July 1851.
70. BRITISH COLONIST, 11 July 1851.
71. GLOBE, 12 July 1851.
72. EXAMINER, 16 July 1851.
73. GLOBE, 12 July 1851.
74. BRITISH COLONIST, 11 July 1851.
75. GLOBE, 12 July 1851.
76. EXAMINER, 16 July 1851.
77. GLOBE, 12 July 1851.
78. BRITISH COLONIST, 11 July 1851.
79. IBID.
80. IBID.
81. EXAMINER, 16 July 1851.
82. JOURNAL DE QUEBEC, 17 July 1851.
83. JOURNAL DE QUEBEC, 17 July 1851, commented that Mr. Papineau's speech "... [était] précisément celui qu'il a prononcé plus de cent fois depuis 1848, dans l'enceinte législative."
84. JOURNAL DE QUEBEC, 17 July 1851.
85. HAMILTON SPECTATOR, 12 July 1851.
86. JOURNAL DE QUEBEC, 17 July 1851.
87. HAMILTON SPECTATOR, 12 July 1851.
88. IBID.
89. JOURNAL DE QUEBEC, 17 July 1851.
90. HAMILTON SPECTATOR, 12 July 1851.
91. BRITISH COLONIST, 11 July 1851.
92. EXAMINER, 16 July 1851.
93. BRITISH COLONIST, 11 July 1851.
94. EXAMINER, 16 July 1851.

95. BRITISH COLONIST, 11 July 1851.
96. IBID.
97. IBID.
98. EXAMINER, 16 July 1851.
99. BRITISH COLONIST, 11 July 1851.
100. EXAMINER, 16 July 1851.
101. BRITISH COLONIST, 11 July 1851.
102. EXAMINER, 16 July 1851.
103. BRITISH COLONIST, 11 July 1851.
104. EXAMINER, 16 July 1851.
105. BRITISH COLONIST, 11 July 1851.
106. EXAMINER, 16 July 1851.
107. BRITISH COLONIST, 11 July 1851.
108. EXAMINER, 16 July 1851.
109. BRITISH COLONIST, 11 July 1851.
110. EXAMINER, 16 July 1851.
111. BRITISH COLONIST, 11 July 1851.
112. IBID.
113. EXAMINER, 16 July 1851.
114. BRITISH COLONIST, 11 July 1851.
115. EXAMINER, 16 July 1851.
116. BRITISH COLONIST, 11 July 1851.
117. EXAMINER, 16 July 1851.
118. BRITISH COLONIST, 11 July 1851.
119. IBID.
120. IBID.
121. EXAMINER, 16 July 1851.
122. BRITISH COLONIST, 11 July 1851.
123. EXAMINER, 16 July 1851.
124. BRITISH COLONIST, 11 July 1851.
125. EXAMINER, 16 July 1851.
126. HAMILTON SPECTATOR, 12 July 1851.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. EXAMINER, 16 July 1851.
132. HAMILTON SPECTATOR, 12 July 1851.
133. EXAMINER, 16 July 1851.
134. HAMILTON SPECTATOR, 12 July 1851.
135. IBID.
136. IBID.
137. EXAMINER, 16 July 1851.
138. HAMILTON SPECTATOR, 12 July 1851.
139. IBID.
140. MONTREAL GAZETTE, 15 July 1851.
141. EXAMINER, 16 July 1851. The ellipses represent illegible words.
142. HAMILTON SPECTATOR, 12 July 1851.
143. IBID.

FRIDAY, 11 JULY 1851.

(154)

Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Méthot,--The Petition of Jeffery Hale, Esquire, President, and others, Members on behalf of the Quebec British and Canadian School Society.

By Sir Allan N. MacNab,--The Petition of the Municipal Council of the City of Hamilton; and the Petition of the Mayor, Aldermen, and Commonalty, of the City of Hamilton.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of A. Kirkland, President, on behalf of the Members of the Brantford Mechanics' Institute; praying an annual aid in behalf thereof.

Of William Smith, Chairman, and S.A. Stevens, Secretary-Treasurer, on behalf of the School Commissioners of the Municipality of Brompton, County of Sherbrooke; of John Oswald and others, of the Parishes of St. Augustin and Ste. Scholastique, County of Two Mountains; of James Clark and others, of the Parish of St. Hermas, County of Two Mountains; and of John Stark and others, of the

(155)

Parishes of St. Benoit and St. Eustache, County of Two Mountains; praying for certain amendments to the Education Law of Lower Canada.

Of C.B. Cleveland and others, of the Townships of Shipton, Melbourne, and vicinity, in the District of St. Francis; praying that the sittings of the Richmond Circuit Court may be held once in every three months, instead of once in six months as at present.

Of C.P. Huot, Esquire, and others, Notaries of the District of Quebec; praying for certain amendments to the Act for the organization of the Notarial Profession in Lower Canada.

Of Alexander McDonald and others, of the Township of Athol, County of Prince Edward; praying that the Municipal Council Act may be so amended as to facilitate the opening of new Roads by Municipal Councils.

Of James Gilmour, Esquire, and others, of the City of Montreal; praying that the Bill to make provision for the management of the Temporalities of the Church of England, in the Diocese of Montreal, and also the Bill to provide for the establishment of a Church Society in the said Diocese, may not pass into Law without expunging certain parts thereof.

Of the Bank of Montreal, the City Bank, the Bank of British North America, and La Banque du Peuple; praying for the passing of an Act declaratory of the Law with regard to the noting and protesting of Inland Bills of Exchange and Promissory Notes.

Of William Robins and others, of the City of Toronto; praying for the adoption of measures to abolish the mode of paying Mechanics and others, known as the "Truck System," and also to protect the Mechanics and Laborers by a Lien Law which shall secure to them payment for their labors.

Seigniorial
Tenure.

Ordered, That the Petition of E. Cartier and others, of St. Hyacinthe and other Parishes, in the County of St. Hyacinthe, be referred to the Select Committee on

Seigniorial Tenure in Lower Canada.

Report on
Petition of
J. Morency
and others.

Mr. Taché, from the Select Committee to which was referred the Petition of Joseph Morency and others, Pilots for the Port of Quebec, and another reference, presented to the House the Report of the said Committee; which was read.

Appendix (N.N.)

For the said Report, see Appendix (N.N.)

Seventh Report of
Committee on
Private Bills.

The Honorable Mr. Chabot, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Grand River Navigation Company to raise by way of loan, a certain sum of money, and for other purposes therein mentioned," and have made an amendment thereto, which they respectfully submit for the consideration of Your Honorable House.

Your Committee have also examined the following Bills, and have made certain amendments to each of them respectively, which they beg to submit for the consideration of Your Honorable House, viz:--

Bill for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal.

Bill to provide for the sale of a portion of the endowment of St. John's Church in the Town of Peterborough.

Bill to incorporate the Sault Ste. Marie Canal Company.

Bill to incorporate the Fort Erie and Buffalo Suspension Bridge Company.

Fort Erie and
Buffalo Sus-
pension Bridge
Bill.

Ordered, That the Bill to incorporate the Fort Erie and Buffalo Suspension Bridge Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Message from
the Council.

A Message from the Legislative Council, by John Fenings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:

Heir and
Devisee Bill.

Bill, intituled, "An Act to amend the Heir and Devisee Act:"

British America
Assurance Bill.

ectors of the said Company:" And also,

Bill, intituled, "An Act to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the said Company:"

Post Office
Act Amend-
ment Bill.

The Legislative Council have passed a Bill, intituled, "An Act to amend the Post Office Act," to which they desire the concurrence of this House.

And then he withdrew.

Post Office
Act Amend-
ment Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Post Office Act," was read the first time.

Bill relating
to a By-Law of
Peterborough
Municipal
Council.

Ordered, That the Bill to indemnify the Municipal Councillors of the County of Peterborough, and others, for acts done under a certain By-Law of the Municipal Council of the said County which was afterwards quashed, be engrossed, and read the third time on Monday next.

St. John's Church
(Peterborough)
Endowment Bill.

Ordered, That the Bill to provide for the sale of a portion of the endowment of St. John's Church in the Town of Peterborough, as reported from the Standing

Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Report relating to Dr. W. Rees.

Mr. Nelson, from the Select Committee to which was referred the Entry in the Journal of this House of the 3rd June, 1850, relating to the Petition of William Rees, Esquire, late Medical Superintendent of the Provincial Lunatic Asylum at Toronto, praying compensation for his services in promoting and bringing into operation the said Asylum presented to the House the Report of the said Committee; which was read.

Appendix (O.O.)

For the said Report, see Appendix (O.O.)

Grand River Navigation Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Grand River Navigation Company to raise by way of loan, a certain sum of money, and for other purposes therein mentioned," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Manufactures Encouragement Bill.

Ordered, That the Bill for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Registrars' Fees Bill.

Mr. Smith of Durham, from the Select Committee to which was referred the Bill to reduce and regulate the Fees of Registrars in Upper Canada, presented to the House the Report of the said Committee; which was read.

Appendix (P.P.)

For the said Report, see Appendix (P.P.)

(156)

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Representation Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to enlarge the Representation of the People of this Province in Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-second instant.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Hincks,

Call of the House.

Resolved, That a Call of the House be made on Tuesday the twenty-second day of July instant.

Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant at Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

Bill relating to the Election of Members in certain Townships.

Ordered, That Mr. Solicitor General Macdonald have leave to bring in a Bill to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards, in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Orphans' Home
and Female Aid
Society Bill.

An engrossed Bill to incorporate the Orphans' Home and Female Aid Society of Toronto, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Sherwood do carry the Bill to the Legislative Council, and desire their concurrence.

Toronto House
of Industry
Bill.

An engrossed Bill to incorporate the House of Industry of Toronto, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Sherwood do carry the Bill to the Legislative Council, and desire their concurrence.

Territorial
Divisions
Bill (U.C.).

An engrossed Bill to make certain alterations in the Territorial Divisions of Upper Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Revision of
the Statutes
and Ordinances.

Mr. Holmes, from the Committee to consider the expediency of presenting an humble Address to His Excellency the Governor General, for the appointment of a Commission to revise the Statutes and Ordinances of this

Province, or of either section thereof, reported a Resolution; which was read, as followeth:--

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to appoint a Commission for revising the Statutes and Ordinances of that part of this Province formerly called Lower Canada, the Statutes of that part of the Province formerly called Upper Canada, and the Statutes of the Province of Canada, and for consolidating such of the said Statutes and Ordinances as relate to the same subjects as can be advantageously consolidated, and also to collect and arrange for publication with the revised Edition of the Provincial Statutes, such Acts and parts of Acts of the Imperial Parliament as refer to this Province, or either section thereof; and assuring His Excellency that this House will make good such sum as may be recommended by His Excellency, as requisite for defraying the expenses incurred in the execution of the said Commission.

The said Resolution, being read a second time, was agreed to.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

River Police.

Mr. Wilson, from the Committee to consider the expediency of establishing a River Police at Quebec and Montreal, reported several Resolutions; which were read as follow:--

1. Resolved, That it is expedient to provide a fund for defraying the expense of the members of the Police Force, acting as Constables in the Port of

Quebec under the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.

2. Resolved, That it is expedient to impose a Duty of three farthings per ton, for the above purpose, on all sea-going vessels of one hundred tons burthen and upwards, entering or clearing at the Port of Quebec.

3. Resolved, That it is expedient to provide by Law for the payment to the Inspector and Superintendent of the Police for the City of Quebec, of all sums heretofore raised by voluntary contribution for the above purpose, and still remaining unexpended by the persons in possession of the same, or arising from the public sale, by the Harbour Master of the Harbour of Quebec, of any unclaimed Timber or other thing found, by the members of the Police Force aforesaid, in the River St. Lawrence.

4. Resolved, That it is expedient that the Governor in Council should be authorized from time to time to reduce, and if need be to raise, the tonnage Duty to be levied as aforesaid, but so as the same shall at no time exceed the said rate of three farthings per ton.

5. Resolved, That it is expedient to enact, that the net proceeds of the sale according to law of any unclaimed Timber, or other thing found by the members of the Police Force aforesaid, in the River St. Lawrence, shall revert and be paid to the Inspector and Superintendent of the Police for the City of Quebec, as the finder thereof.

6. Resolved, That it is expedient to provide that the expenses attending the employment of such additional members of the said Police Force as it may be found necessary to employ under the Ordinance aforesaid, as Constables in the Harbour and Port of Montreal, may be defrayed out of any monies received for Harbour dues by the Montreal Harbour Commissioners, and remaining in any year after defraying the special charges payable out of the said Harbour Dues in such year.¹

Les résolutions de M. Hincks pour créer une police marine à Québec et à Montréal ont donné lieu à une discussion².

MR. H. BOULTON ne comprenait pas la question et ... s'imaginait que le gouvernement voulait payer cette police avec les deniers du pays.... Puis ... il n'a pas voulu admettre son erreur³.

D'autres députés ... soutinrent ... [son opinion]⁴.

[An hon. member made a] motion for the concurrence of the House in the Report of the Committee of the Whole on the subject of the River Police.⁵

MR. MERRITT moved to insert a clause declaring that the tax for such Police should only be levied upon vessels actually going to the Ports of Montreal and Quebec and not upon vessels merely passing those ports.⁶

The amendment was lost.⁷

Enfin ... les résolutions passèrent sans le moindre obstacle après des débats ... qui durèrent trois heures.⁸

(156)

The said Resolutions, being read a second time, were agreed to.

Quebec River
Police Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to provide for defraying the expense of the River Police at Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

(157)

Tuesday next.

Montreal
River Police
Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to provide for defraying the expense of the River Police at Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Trinity
College Bill.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate Trinity College, being read;⁹

SIR A. MACNAB moved the concurrence of the House in the report of the Committee [of the Whole] on the bill Incorporating Trinity College.¹⁰

MR. INSP. GEN. HINCKS then, disclaiming any hostility to the Bill, at the same time objected to the clause permitting the Incorporation of an indefinite number of Grammar Schools in connexion with the College. He therefore¹¹ moved that the bill be recomitted for the purpose of amending those portions of the 2nd and 3rd clauses to which he objected in Committee. He thought that as the bill now stood, it went too far.¹²

SIR A. MACNAB assented to the amendment¹³.

(157)

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the Report be now received;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Price, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be now recommitted for the purpose of leaving out the words 'and of any other Institution or' in the second Clause, and inserting the words 'and of a preparatory' instead thereof; and of leaving out the words 'or any other Institution or' in the third Clause, and inserting the words 'a preparatory'" instead thereof;

And the Question being put on the Amendment: It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Bill be now recommitted for the purpose of leaving out the words "and of any other Institution or" in the second Clause, and inserting the words "and of a preparatory" instead thereof; and of leaving out the words "or any other Institution or" in the third Clause, and inserting the words "a preparatory" instead thereof.

The House accordingly resolved itself into the said Committee.

Mr. Nelson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Nelson reported, That the Committee had gone through the Bill, and made further amendments therewith.

And the Question being proposed, That the Report be now received;

MR. MACKENZIE said: Mr. Speaker, I was many years since elected to the Legislature of Upper Canada, by the freeholders whose estates surround this city, and specially instructed to oppose by every lawful means, the establishment and endowment of a provincial University where the Lord Bishop of Quebec was to be Visitor, Doctor Strachan, President, and each member of the College Council, including all the Professors, bound to subscribe as his religious belief that uni-

tarianism is errors--that Christ went down into hell--that King James's version of the bible is canonical--that Athanasius's creed is true--that works of super-
 orogation [sic] are impious--that God decreed who should be saved and who should
 be damned before the foundations of the world were laid--that the Church of Rome
 hath erred in their living, in ceremonies, and in matters of faith--that general
 councils of the church may not be convened without the commandment of princes--
 that "the Romish doctrine concerning purgatory, pardons, worshipping and adoration
 as well of images as of relics, and also invocation of saints" is repugnant to
 God's word, unwarranted by the bible, and vainly invented by erring men--that
 public prayers in a foreign tongue (the mass) is repugnant to God's word--that
 confirmation, penance, orders, matrimony, and extreme unction are not to be
 counted for sacraments of the gospel--that "sacraments were not ordained of Christ
 to be gazed upon or to be carried about"--that transubstantiation is repugnant
 to scripture--that the "sacrifice of masses are blasphemous fables and slan-
 derous deceits--that priests may be married--that the Bishop of Rome hath no
 jurisdiction in this realm--that capital punishment may be inflicted--that chris-
 tian men may serve in the wars--and that swearing legal oaths is a christian
 duty: It took us 22 years to liberalize that institution. One object of the
 bill now before us is to establish as a College corporation, the Bishop of Tor-
 onto, Doctor Strachan, with trustees and a College Council such as he shall name,
 he and they to have power to regulate said College as they please: no rule to
 be enforced till Doctor Strachan shall confirm it, and the corporation to enjoy
 "all the rights AND PRIVILEGES enjoyed by other bodies politic and corporate."
 Another object is to incorporate with it any number of schools or academies,
 throughout the Canadas, to be taught the articles I have quoted; and as Dr. Stra-
 chan's petition shows to set aside our common schools, open to all and adopt in
 their stead those to be established on the above principles, controlled by an
 intolerant corporation. The bill before us, in view of establishing hundreds of
 sectarian schools provides that the Bishop and his trustees may hold property
 for the College, to the value of \$20,000 a year. Doctor Strachan applied to the
 British government for a charter before he came to this house, and in a letter to
 Earl Grey dated London, June 18, 1850, he states that his object is to cripple
 the University of Toronto, which he has slandered to the utmost of his power as
 godless and anti-christian. I quote his words:

"The members of the Church of England being more than one fourth of the
 population, and in number more than two hundred thousand, furnishes nearly
 three-fourths of the youth who desire an university education, as was shewn
 from the lists of the names of the students who attended King's College.
 Now all these will go to the Church College, as soon as it commences the
 business of instruction; and if to these be added the youth of the different
 denominations having colleges of their own, the Toronto University, as the
 friends well know and admit, will be left comparatively empty; hence they
 will object to any seeming rivalry."

In Dr. Strachan's two draughts submitted to England, of the rival charter he
 desired, he says nothing about an indefinite number of schools throughout Upper
 and Lower Canada in connexion with his intolerant scheme, nor is there any prayer
 for such schools in the memorial to this house on which the hon. member for
 Hamilton has founded this bill. We are to give these schools unasked; and, as
 I firmly believe against the will of every liberal member of the Episcopal Church:
 we give them to perpetuate religious strife--to plant in Canada the tree of which
 Irishmen for centuries have been tasting the bitter fruits. In his proposed
 royal letters patent, Dr. Strachan calls himself "our trusty and well beloved,
 the Right Reverend Father in God John, Bishop of the Diocese of Toronto" and pro-
 vides that the corporation may hold "for the use of the said college any mes-
 suages, lands, tenements, and hereditaments *** within our province of Canada,

so that the same do not exceed in value £15,000, above all charges." Dr. Strachan asks only £15,000 in England, and in Canada you offer him £5,000 a year. The year after Dr. Strachan obtained a diversion of the funds for education to his intolerant scheme, Sir James Mackintosh, in the House of Commons (May 2, 1828), said --

"I see with astonishment that [this] is a country where the majority of the people do not belong to the Church of England, the Professors must all subscribe to the 39 articles--so that if Adam Smith were alive, he could not fill the Professors's chair of political economy, and if Dr. Black were alive he would be excluded from the chair of chemistry. I do not know how such plans can be considered reasonable among men who desire liberty--men who have been bred and inured to it--of men who have always opposed the intrusion of law into the domain of conscience and of religious opinion."

Were Sir James alive now, his astonishment would be increased at seeing the representative of the Canadian people eager and anxious to go farther in the way of intolerance than even Dr. Strachan himself had dreamed of asking them to go. The hon. member for Hamilton has continually referred to this proposed corporation as of a university; and considering that our judges are all of the same intolerant school as Dr. Strachan, I have little doubt that this charter which is to be given professedly for conferring divinity degrees will be interpreted as authorizing the college authorities to confer degrees in the arts and sciences, although it is silent both as to divinity and the arts. Every step we take, sir, is strengthening that anti-reforming, illiberal faction which the Canadas long contended against. Our government, if they are sincere in their dislike to the detestable principles of the old family compact, seem to fear its threats, its violence; they seem to fear a renewal of its vandalism in 1849 at Montreal which followed so close upon the passage of an act emancipating from the thralldom of a faction [of] the University of Toronto, and opening wide its portals, alike to the believers in one creed as to those of another. Close behind the Montreal riots we had the league, the Montreal manifesto, the "loyal" press loudly threatening annexation, a rupture of the colonial tie, &c. They would be astonished were I to read to them their own language of those times,--but I forbear. They choose at present to sing the old cuckoo song of loyalty, and sorry should I be to interrupt them, but it is too absurd to hear Dr. Strachan, after rising from £20 a year as Presbyterian pedagogue of Kettle by his shrewdness and tact to be a right reverend father in God, and a lord bishop in America, groaning, in presence of Sir Robert Peel, at the persecutions, injuries, proscription, intolerance, and injustice suffered by him and his clergy, who have fattened for half a century upon the toil and industry of our earlier settlers, while a Presbyterian or Methodist was in terror of transportation if he married two members of his congregation. Loaded down with clergy reserves, rectories, royal grants and endowments. Dr. Strachan perambulates the streets of London, in 1850, crying aloud for pity to the persecuted Church of England in Upper Canada! The hon. and learned member for Mississquoi (Mr. Badgley), has two bills before the house setting aside the statutes of mortmain: this is also done in the proposed charter to Trinity college, but not in any other scholastic charter that I have seen or heard of: it is in direct opposition to British law and British policy, and Doctor Strachan, in the two drafts of a royal charter which he submitted to England, never even ventured to ask that the British statutes of mortmain, which are not set aside in favour of any British college, should be superceded on behalf of his. If we pass this bill we fly in the very face of British law and usage. I have read, sir, an able remonstrance against the partial system which we are called upon to adopt; it was presented here in the form of a petition by one of the hon. members for Montreal, (Mr. Holmes) and entreats you not to set aside these wholesome British laws which this bill tramples on. I read with great

pleasure the names of Methodist, Jewish, Presbyterian, Unitarian, Baptist, Congregational, Independent, and other ministers attached to that important document, together with those of many of the most distinguished citizens of Montreal of many persuasions, but all for religious freedom. I trust their reasoning will have due.... The member for Hamilton is the ... Church--none more so. It suited the times. When Sir Francis Head came over, he (Sir Allan) introduced a resolution here denouncing British interference with our internal affairs, and, in the very strongest terms; then he went to London to invite that interference in the matter of the Losses Bill, and next we have him approving of Dr. Strachan's efforts for breaking down the University Act through a royal patent to a rival institution in the same city; which scheme, when it failed through the firmness and honesty of the Earl of Elgin, the best Governor General Canada ever had except Lord Durham, we find the gallant knight on his legs in the House of Assembly, battling for that intolerance, bigotry, and exclusiveness upon which the world is crying, 'shame'. Dr. Strachan was for many years the real governor of this colony; he and Chief Justice Robinson managed the feeble governors as they pleased; for their kindred and friends, and for church patrons, they grasped the funds that should have raised the scale of mental and moral instruction among our youth, and pampered court parasites, and sycophants with the money. Hence, Sir, it is that we have richly endowed priesthoods, and hail the children of Canada unable to read and write, while episcopalian and Roman Catholic hierarchies keep wrangling as to whether children shall be taught for or against thirty-nine articles. It is the same for England and Ireland. Much better it were if churches would reserve their antagonism, not merely for dissent, but for unbelief in God. Why do they not teach man that man is his brother and that "God is love?" Why not wage war less against errors of opinion than against viciousness of life, and seek in our backwoods as the old episcopal methodists did, those upon whom no word of instruction ever fell, on whom the breath of love never settled? Why should we not encourage the schoolmaster more than we do, wrangle less about points of faith, never to be settled by mortals here, and if we are to have a pension list, begin by holding out to the hard working school master the sure hope of a pension as the reward of a life of humble usefulness? Strange it is that a man originally of that class, and by no means highly educated, should be found late in life amongst the worst opponents! I admire Dr. Strachan's talents. I wonder at his perseverance--but cannot help reflecting that they have affected little, very little, for their adopted country. Pass this bill, and you will increase religious exclusiveness, and asperity: amend it for a divinity hall, and the Canadian youth who may attend the University of Toronto will begin in early life together those friendships which men cherish in after life, irrespective of sectarian creeds. It is so in Edinburgh. In the Scottish Universities, where religion is venerated, where presbyterianism has flourished for 200 years--religion is never forced upon the students as a study--neither is their attendance required at divinity lectures--nor do they take any religious test. The regulations recognize no discipline in religious instruction. At King's College, on the contrary, students had to wear white robes on saints' days, and go through a great deal of useless mummary to please our puseyite diocesan. Lady Hester Stanhope, (excellent authority) tells us that Mr. Pitt, first Minister of Britain, never entered the door of a church, and if George IVth ever did he profitted nothing by what he heard. Yet the Pope is now denouncing the Queen's Irish Colleges! During a debate about the Irish Colleges, in the House of Commons, Sir James Graham thus described Oxford:

"When I was matriculated, I was not compelled to state what I knew on matters of religion, but I was called upon to subscribe to what I believed. But I now solemnly state, that during the two years and a half of my residence at college I was never--with the exception of the required attendance

at church, once called upon to attend to any lectures either upon theology, or divinity. (Hear, hear.) During two whole [years] of that time I never received any religious instruction whatever (hear) independently and apart from that which I derived from the enforced attendance upon church. I never during that two and a half years attended a university sermon, and I am ashamed to say that while I was at Oxford I never during the whole period of my residence heard one sermon there."

In the course of the evening, Sir Robert Peel ... referred to an Irish college thus:

"Here then in this Belfast Institution, there being no test of ... or restrictions as to the faith of any one but each student being left in the guidance of an affectionate parent for his religious doctrines--here according to the opinion of Dr. Crolly there prevailed a system of education such as a Roman Catholic ought to partake of."

And is it not so now in Toronto, although Dr. Strachan exults in the expectation of driving the whole of the rich Episcopalians from the University through your legislation? And did he not harrass Sir Robert Peel with his complaints of the very system Sir Robert had lauded, till almost the day of Sir Robert's death? The prayer of Bishop Strachan and his clergy and laity now before us in their joint petition, leaves us in no doubt but that our reserves, rectories, and arch-deaconries, colleges, universities, and common schools are converted by their leaders, and that the measure before us is merely another wedge with which to split up the reformers of Canada for the benefit of the law. The bishop and clergy pray this House "to permit the establishment of separate common schools for the use of the members of the Church of England, and that the assessments ordinarily paid by members of the said Church of England be applied to the maintenance of such schools as are in connection with that Church." Dr. Strachan's cry of "Godless college", "anti-Christian institutions," which the hon. member for Cornwall echoes in this House, was not an original idea of his--the synod of Thurles took the same grounds against the British Government, and the Roman Catholic prelates and priests denounced the Queen's Irish college as "godless" because it was intended to teach in them the religion condemned, as above, in the thirty-nine articles to the exclusion of all other religions. Education is a moral training of men and women in youth, to fit them for a proper discharge of their duties in after life--nor ought sectarian creeds and quarrels to be mixed up with it, as this bill proposes to do. One of the schools to be included in the bill before us is the Divinity school, under the Bishop's charge, at Cobourg. Is not that enough! It may be removed here: no one would oppose its incorporation. At the Bishop's visitation in Trinity Church, here, last spring, he stated, that:

"The theological seminary at Cobourg was intended from the first to be temporary. So long as King's College existed and enjoyed a religious character, there was no urgent necessity for making any alteration to the constitution of that school, but when the legislature passed an act suppressing King's College, and excluding from the University all religious instruction according to any formal doctrine, the time for remodeling the Cobourg institution seemed to have arrived. The impossibility of consistent churchmen holding communion with an institution which is essentially anti-christian, has led to a determination to Establish an University in direct communication with the Church, and which shall recognize the principles of christianity as the basis of education. The result in the case of King's College shows that in the Colonial Legislature, the Church of England is at the mercy of an untidy combination of Dissenters and Roman Catholics."14

Now, he asked if the Roman Catholics and the Dissenters were to be insulted by such a language as this, and were yet to build up Colleges under the auspices of such a Bishop.¹⁵ [He continued:] I am a communist as to education. If christians are to be for ever together in Heaven, why not allow them to be a few years in the joyous youth time, in the school houses together on earth! To provide and endow episcopalian and papal and presbyterian and protestant schools --to create an educated class, few in numbers, to take care of the uninstructed millions, or rather to take care to keep them toiling like slaves, is the object of this bill, as it was of King's College. Compare the three millions of people in Scotland with the powerless hundred and twenty millions in India, enslaved by their ignorance, their superstition, and their prejudices, by a handful of Europeans--and cherish, parish schools FOR ALL--they are a nation's wealth and strength. Give me in Canada, good Common Schools, and well selected libraries, for youth--a farm with a free deed at twenty-one--and we'll have an independent, manly, self-sustaining race--laws made--not for ignorance, almost exclusively by practising lawyers, to render litigation and strife perpetual--but by those who would do their own thinking, and lean to precedents only when they are sustained by common sense. Wisdom would thus make our laws sure and strong, while integrity would seldom require their enforcement. I want schools for all, the University of Toronto alike for all, the head to think, the hand to work. "Freely ye received, freely give." Common men, often self-taught, have done much of the thinking of the world; have given us the telegraph, the daguerreotype, logarithms, steam, railways, the gas light, and the printing press, arts, sciences, civilization, so far as society is civilized: but as Universities like the one sought for here, are intended to depress the millions and strengthen the few, to light the torch of religious discord [sic]; and as no class are more opposed to Puseyism than the liberal members of the Church of England, they would be pleased to hear that the bill before us had not been sanctioned.¹⁶ Instead of trying to monopolize the teaching of the young, it would be well ... [if] a Church, whose ministers were wallowing in wealth and passing his door daily in their carriages, would attend to the Spiritual care of the adults, as was done by the Catholic Priests and many Episcopal Clergymen during the time of the ship fever.¹⁷ The hon. member called upon the house not to saddle the country with a measure bestowing powers which were admitted to be of a doubtful character, and which to him seemed to be uncalled for and dangerous.¹⁸

MR. H. SHERWOOD replied to Mackenzie's remarks¹⁹ [and] vindicated the Church of England from aspersions that had been cast upon it by the hon. member for Haldimand.²⁰ One of these was that the clergy of the Church of England²¹ wallowed in wealth and rolled in their carriages²² whereas they had plenty of occupation in attending the adult population in sickness and poverty. He totally denied these riches and this luxury on the part of the Church of England. It was a downright falsehood.²³ There was no set of clergymen who were more attentive to their duties²⁴, worse remunerated, or²⁵ who exerted themselves more, day and night²⁶ or who lived harder²⁷ for the spiritual benefit of their flocks, or for the education of their children, than the clergymen of the Church of England resident in this city²⁸ whom the hon. member for Haldimand was constantly aspersing, only that he might bring them down to his own level, that of being despised by every one.²⁹

MR. AT. GEN. BALDWIN called attention to what appeared to be an oversight of the Committee to whom this Bill had been referred. The Bill was copied from a Lower Canada Bill, and seemed to him to need amendment in reference to the definition of the powers to be possessed by the College as a corporation.³⁰

The words of the bill at present, in that clause ... were too vague, and as they stood, would give powers of banking even. What was intended, doubtless, was to give all powers necessary to a corporate body.³¹

SIR A. MACNAB agreed to the amendment suggested³².

(157)

The Honorable Mr. Baldwin moved in amendment to the Question, seconded by Sir Allan N. MacNab, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be now again recommitted for the purpose of leaving out the words 'and generally shall enjoy all rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature' and inserting the words 'and all other rights necessarily incident to a body corporate'" instead thereof;

And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That the Bill be now again recommitted for the purpose of leaving out the words "and generally shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature" and inserting the words "and all other rights necessarily incident to a body corporate" instead thereof.

The House accordingly again resolved itself into the said Committee.

Mr. Nelson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Nelson reported, That the Committee had gone through the Bill, and made another amendment thereunto.

And the Question being proposed, That the Report be now received;

MR. MACKENZIE then moved that the bill be again referred back to the Committee. He explained that under the English law no person could leave land to charitable corporations, unless it were given at least one year before the death of the donor. Under the present bill there might be bequests on the death bed. He accordingly moved to strike out some words in the charter, which he thought objectionable on the accounts mentioned.³³

(157)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be now again recommitted for the purpose of leaving out the words 'or letters of mortmain' in the second Clause" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being put, That the Report be now received; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Bidgley, Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Burritt, Cartier, Caushon, Chabot, Christie, Crysler, Davignon, Solicitor General Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Laurin, Letellier, Lyon, Solicitor General Macdonald, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McConnell, McLean, Merritt, Méthot, Meyers, Mongenais, Nelson, Papineau, Polette, Price, Richards, Robinson, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(56.)

NAYS.

Messieurs Hopkins, and Mackenzie.--(2.)

So it was resolved in the Affirmative.

Mr. Nelson reported the Bill accordingly; and the amendments were read.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the amendments be now read a second time;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Hopkins, That all the words after "That" to the end of the Question be left out, in order to add the words "inasmuch as the United Church of England and Ireland has heretofore been, and now is, arrayed against the People of Upper Canada in their long continued efforts for equal Civil and Religious rights, for the supremacy of Religion over Government control, for the abolition of the Rectories, and the appropriation of the Clergy Reserves to general Education; and as Bills are now before this House intended to give to that Church extraordinary powers, rights and privileges, denied to all other denominations, and virtually recognizing its establishment by the State, in this Province, it is dangerous and inexpedient to fortify and strengthen the said Church in its hostility to the rights of others, and to the liberty of the Country, by granting its request for the special incorporation of an exclusive Sectarian College for itself" instead thereof;

And a Debate arising thereupon;

SIR A. MACNAB went over the amendment clause by clause, ridiculing its terms.³⁴ [He] denounced the assertion contained in the amendment as a foul calumny, and wondered that it should be seconded by the hon. member for Halton, a large proportion of whose constituents were members of the Church of England.³⁵

MR. INSP. GEN. HINCKS.--They sent him here.³⁶

SIR A. MACNAB (in a state of excitement) charged the hon. member for Halton with supporting what he knew to be untrue. (Cries of "Order".) No instance could be named in which the Church of England had obtained powers and privileges which were denied to other denominations.³⁷ He called upon the member for Halton to withdraw his name as seconder. He (Mr. Hopkins) was not the only member that the member for Haldimand had entrapped [*sic*] and he had not got into a trap this time. The clause relating to schools had been struck out of the bill.³⁸

MR. COM. CR. LANDS PRICE would ask the hon. member for Hamilton, whether the Church of England was not arrayed against the rights and interests of Canada, if, as the honble. and gallant knight had said, the hon. member for Halton had been returned by members of that Church. (Laughter.)³⁹

MR. HOPKINS said the old settlers of Upper Canada did not require to have such a lecture read to them as the member for Hamilton had just read them.⁴⁰ The first settlement of the country was by Dissenters from the United States, who were called Yankees by Bishop Strachan in England, and because they were Yankees, were deprived of their dearest rights. It was long before they could get permission to bury their dead in their own burial ground--it was long before they could get permission to marry.⁴¹ The Church of England, as long as it had the power, had been a tyrannical church, against which dissenters had to contend for years under the most disheartening circumstances. Even now, there appeared to be an alliance between the Established Church in Upper Canada, and the Church of Rome, in Lower Canada, to the disadvantage of dissenters.⁴²

MR. COM. CR. LANDS PRICE.--There are no dissenters.⁴³

MR. NOTMAN.--We have no established church here.⁴⁴

MR. HOPKINS thought that an established church still existed, against whose

encroachments the people would find it necessary to be vigilant.⁴⁵ Their enjoyment of the clergy reserves revenues shows that they are arrayed against the people of Canada.⁴⁶ Mr. Hopkins went on to complain of the establishment of King's College, the Rectories, &c.⁴⁷

MR. H. SHERWOOD complained of going back thirty years to cite examples of the Church of England being arrayed against the people of this country, which retrospect was as absurd, as it would be in England, to cite historical examples before the revolution, with reference to the events of the day.⁴⁸ [He] denied that any established church now existed here. No body claimed to be considered the established church, at the present day.⁴⁹ He contended that the hon. member's remarks had been dictated by feelings engendered in his youth; and that he forgot the changes which had taken place since.⁵⁰

MR. MACKENZIE was about to reply⁵¹.

SIR A. MACNAB denied his right, and cited Parliamentary rules to sustain the objection.⁵²

MR. MORIN the SPEAKER said as objection had been made by the member for Hamilton, it was his duty to state that on a motion of amendment the mover was only allowed to reply by courtesy.⁵³

SIR A. MACNAB again objected to allow Mr. Mackenzie to reply, and quoted the rule to disprove his right.⁵⁴

MR. NOTMAN moved that the hon. member for Haldimand be allowed to speak.⁵⁵

MR. MACKENZIE hoped he would be allowed to be heard, after the attacks that had been made on the mover and seconder of the motion.⁵⁶

COL. PRINCE objected to his being heard not from any personal feeling, but on the ground that if members were allowed to speak so often this House would be turned into a debating club. They were sent here to legislate.⁵⁷

MR. SOL. GEN. DRUMMOND thanked the member who had just sat down for his manly and independent speech; but he was in favor of the member for Haldimand being heard on this occasion.⁵⁸

MR. BOULTON said he had been wrongly accused of using the right of reply. He should vote for allowing the member for Haldimand to speak; he had been attacked and had a right to reply.⁵⁹

(157)

and Mr. Mackenzie rising to address the House a second time on the Question, objection was made thereto;

On motion of Mr. Notman, seconded by Mr. Johnson,

Ordered, That Mr. Mackenzie have leave to be again heard on the Question.

MR. MACKENZIE, in the course of his reply, deprecated⁶⁰ the insulting language that had been used towards himself and the member for Halton⁶¹ in the speeches of gentlemen opposite, who, although exceedingly sensitive themselves, threw out epithets and imputations against others of a very disreputable character.⁶² He believed that certain leading members of the Church of England were opposed to the liberties of this country. Had they not in their petitions to this House denounced in the strongest terms the existing school law? How often had he voted for bills for devoting the reserves to education? If there be no established Church, how does it happen that there are Church Wardens for the Church of England for every Parish? Had not the funds of the University been wasted by the Church of England! We had a commission sitting to enquire into the affairs of that institution, which had already cost about £2000. Had not the Church of Eng-

land monopolized the performance of marriages?⁶³

MR. W. BOULTON said, if the hon. member for Haldimand was frequently charged with stating what was not correct, it was his own fault. He should not make those statements. He held in his hand a document (in the Examiner newspaper) from the hon. member for Haldimand, stating that certain Episcopalian Rectors received pensions out of the Clergy Reserves; while the truth is that no Clergyman gets a pension. One Clergyman was set down as getting £400 a year who gets only £200.⁶⁴

SIR A. MACNAB explained that he had said the resolution was not true, not that the member for Haldimand had stated what was not true.⁶⁵

(157)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Hopkins, and Mackenzie.--(2.)

(158)

NAYS.

Messieurs Badgley, Baldwin, Bell, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon, Solicitor General Drummond, Duchesnay, Flint, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Laurin, Letellier, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, McLean, Merritt, Meyers, Mongenais, Nelson, Notman, Papineau, Price, Prince, Richards, Robinson, Sanborn, Sauvageau, Scott of BYTOWN, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(49.)

So it passed in the Negative.

Then the main Question being put:--It was resolved in the Affirmative.

And the amendments, being read a second time, were agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third time on Monday next.

Penitentiary
Management Bill.

The Order of the day for the House in Committee on the Bill for the better management of the Provincial Penitentiary, being read;

The House accordingly resolved itself into the said Committee.

Mr. Boulton of Toronto took the Chair of the Committee;⁶⁶

MR. MACDONALD (of Kingston) objected to the seventh clause that it entered too much into detail in prescribing how criminals should be treated. He objected not to the solitary system in itself, but to its being rendered compulsory.⁶⁷

MR. COM. CR. LANDS PRICE said the object was to define the mode of management, so as to leave as little to discretion as possible.⁶⁸

MR. H. SMITH (of Frontenac) said a discretionary power in the matter should be vested in the Inspectors.⁶⁹

On motion of MR. SOL. GEN. DRUMMOND, all the words after "discipline" to the proviso were struck out.⁷⁰

MR. MACDONALD (of Kingston) objected to the proposal in the ninth clause to have two paid inspectors. He thought the present system preferable. Two inspectors, with no casting vote, would be unable to do any business if they disagreed. There had hitherto been a difficulty in obtaining persons of the highest respect-

ability to perform, gratuitously, the duties it was proposed to have performed by the inspectors. The president of the Executive Council, as a minister of the interior, should be placed at the head of the Institution, with an empowered board of visitors to report to him. The occasional visits of two inspectors could have no other effect than to interfere with the Warden in the discharge of his duty.⁷¹

MR. H. SMITH of Frontenac said the best argument for having unpaid inspectors was that the Inspectors had for the last three years performed the duties for nothing. The salaries proposed amounted to £5,000 a-year; which is nearly £2,000 more than is now paid.⁷²

MR. COM. CR. LANDS PRICE objected to employ public officers without paying them; you cannot obtain the necessary control over them. The expense of paying Inspectors was not worth a thought. They might save the public five times the amount of their salaries.⁷³

MR. ROBINSON had no objection to paying Inspectors, but he thought one would be sufficient.--He did not see any necessity for their visiting the gaols; that is attended to by the grand juries on the spot.⁷⁴

MR. SOL. GEN. MACDONALD defended the proposal to have paid Inspectors. It was better that they should be persons residing at a distance, as local feelings would otherwise be in danger of making itself [sic] felt in the institution.⁷⁵

Some remarks [came] from DR. NELSON.⁷⁶

(158)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Boulton of Toronto reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Election

Petitions Bill.

*The Order of the day for the House in Committee on the Bill to repeal the several Acts of the Parliaments of Lower and Upper Canada now in force for the trial of Controverted Parliamentary Elections in the two sections of the Province respectively, and to provide by one General Act for the trial of all Parliamentary Elections, being read;*⁷⁷

MR. AT. GEN. BALDWIN moved the House in committee of the whole on the bill to provide for the trial of controverted elections.⁷⁸

(158)

The House accordingly resolved itself into the said Committee.

Mr. Cartier took the Chair of the Committee;

MR. H. BOULTON generally opposed the bill, and complained of its exceeding great length, which rendered it all but unintelligible, except to a lawyer accustomed to⁷⁹ this class of subjects.⁸⁰ [He] said the bill had been copied from the English Law, with an importation into it of some clauses from the Irish Act. He condemned the prolific [sic] and bungling manner in which it is drawn up.

Mr. Baldwin had desired him to draw up some amendments,⁸¹ [and] he had prepared⁸² [and] proposed to move an amendment to it, but on a second consideration, as the bill was so cumbrous, he had deemed it best⁸³ [and] easier to draw up a new bill altogether; what Mr. Baldwin had occupied five pages with, he had put into as many lines.⁸⁴

MR. AT. GEN. BALDWIN replied, explaining the nature of his bill. He said it

was true that it was elaborate, but that elaboration had arisen out of difficulties that had formerly been experienced, and⁸⁵ out of a desire to obviate the difficulties that had arisen under the existing law.⁸⁶ He feared that briefer phraseology would only have the effect of leading to confusion, and then rendering necessary numerous decisions, before any certainty could be arrived at.⁸⁷

MR. H. SHERWOOD opposed the bill as perfectly unnecessary.⁸⁸ [He] condemned the bill, and also the plan proposed by the hon. member for Norfolk.⁸⁹ He thought the present act was quite sufficient for all purposes, and⁹⁰ to meet the cases that arise.⁹¹ It would not render the election tribunal more pure to diminish the number of the judges-- ... if eleven members would forget their oaths on the holy evangelists, four members would do so too.⁹² He described the author of the present bill as "a fossil."⁹³

MR. SOL. GEN. DRUMMOND retorted, that if the hon. Attorney General had, by his researches into history, and his vast accumulation of legal lore, acquired the title of fossil, it was certainly one which the hon. member for Toronto could never hope to acquire.⁹⁴

The debate was prolonged for a considerable time; but as it turned almost entirely on technical points, it would be uninteresting to give it at length.⁹⁵

MR. RICHARDS, in reply to some remarks of Mr. Sherwood,⁹⁶ at one part of the debate⁹⁷, brought up the affair of the press⁹⁸. [He] alluded to the charge made in the Globe against Mr. H. Sherwood, in reference to a dishonourable proposal by that gentleman to the reporters.... [He] said it was stated in a city journal, (the Globe,) that the hon. and learned gentleman, the member for Toronto, had made a proposition to the reporters that they should report fully the speeches on his side of the house, and to pass over as slightly as possible the speeches on this (the Ministerial) side.⁹⁹ [He] replied to a demand made by Mr. Sherwood, as to the omnipotence of money, by asking whether the current report were true, that he had offered some good and current money of the realm for the concoction of reports which should give at full the speeches of himself and his friends, and should abridge those of the other side of the house.¹⁰⁰ If that be the case, it was for the hon. gentleman to say how far money had been omnipotent with regard to the reporters. It was for himself to say how far he considered himself justified in making a proposition of this sort; but it was quite certain that the country would form its judgment on the propriety of the hon. gentleman's proceeding.¹⁰¹

MR. H. SHERWOOD, after some general remarks, said he was glad an opportunity had been afforded to him of noticing the statement that had been alluded to in reference to the reporters.¹⁰² [He] said that he felt a great deal of delicacy in addressing the House, after the speech of the hon. member, who had just sat down. The hon. member rose with so much dignity, and he was celebrated for so much knowledge, that he repeated he felt great delicacy in rising to oppose him. The hon. gentleman might make comparisons between the hon. Attorney General (West) and himself, and other gentlemen could make such comparisons. He blamed them not; nor did he care what they considered the difference between himself and the hon. Attorney General; but the gentleman evidently spoke with an intention of hurting his (Mr. Sherwood's) feelings, and believed it a petty, paltry mode of meeting an argument, and below what a liberal member of Parliament ought to pursue. The hon. member, too, had taken another pitiful course with reference to a rumour about the reporters. Now the hon. member¹⁰³ who had alluded to it ought to have inquired into the subject, to ascertain the truth of the statement, before remarking on it in public. If he supposed that the editor of the Globe conveyed

the true state of things in every article he published, he (Mr. Richards) might, perhaps, assume that the present article was true. But he (Mr. S.) thought the hon. gentleman had sufficient knowledge and experience to know that everything¹⁰⁴ said by the Editor of the Globe¹⁰⁵ was not true. The hon. gentleman might have asked the reporters in the box as to the real state of the case if he desired to know¹⁰⁶ the true state of the case.¹⁰⁷

MR. RICHARDS.--I did.¹⁰⁸

MR. H. SHERWOOD.--Well if he did, and if they told him that the story was true, they told him what was not true. He had¹⁰⁹ here¹¹⁰ a letter from them¹¹¹ and he would state the case as fully as he could.¹¹² They stated that the report in the Globe was not true. Now this¹¹³ being the last session of the present parliament, the party with whom he acted felt¹¹⁴ that the debates were not sufficiently set forth to the country¹¹⁵. The measures that were to be discussed here were of so much importance that it was highly desirable that they should be sent forth to the country in the light in which they were discussed. They felt it necessary not to keep back information from the country; they felt that the country should have all the information that could be given to it; and they felt that as the house would not pay reporters, they must employ out of their own pockets reporters who would give to newspapers everything that was said in the discussions in this house, in order that the public might know what actually took place.¹¹⁶ Accordingly,¹¹⁷ he was appointed, with his hon. friend Mr. Dickson, to endeavour to effect arrangements for this purpose; and he called on Mr. Penny, a reporter in this house, and told him that he and his party desired his (Mr. Penny's) assistance, and the assistance of any others he could find, to make full and fair reports of the proceedings in this house. Mr. Penny told him he was apprehensive that he could not do so--that the force was too weak--that Mr. Lowe and he were the only persons who could act together; and that he could secure no other reporters.--He took time to consider and wrote him (Mr. S.) at night, saying it was impossible to give full reports of the proceedings; and furthermore, he did not think that the papers could give up sufficient space to insert full reports, if prepared. He looked on Mr. Penny as a reporter ready to be employed to-morrow, if asked to report his (Mr. S's) speech, or any other member's speech, or any public question before the House. It was the same in this respect with a reporter as with any other professional gentleman, and if Mr. Penny had not viewed it in the same light he would have said so at once. He looked on the affair as a business transaction, and proposed that Mr. Penny should get as many as he could to assist him, telling him, moreover, that if reporters could not be got to report all fully, they desired that their speeches--the speeches of those who had employed the reporters--should be given to the country fully.--The same course had been pursued on the other side in reference to speeches on that (the opposition) side of the House.¹¹⁸

[A voice:] "Never."¹¹⁹

MR. H. SHERWOOD [continued:] Was it to be supposed that he would out of his own pocket pay a reporter to report the speeches of the Solicitor General? No. He (Mr. S.) wanted the views he entertained on great public matters to go to the country, and he was determined that they should go if at his own expense. If he had proposed to make partial reports, the matter would be different; but he had a right to employ reporters to do what he wanted. He did not ask them to suppress anything that was said on the other side, or to mis-report it, because he wanted the whole to go before the country. He would have gone to the expense of £100 to have got a set of reporters who would [sic] have reported fully the various discussions that had taken place during the present session.¹²⁰ [He] would like the people to know all that took place for the future, so that they

might be aware of the facts before the next election.¹²¹ These discussions had not reached the public, and he regretted that in view of a general election.¹²² If he could have had any hope of success, he would have voted for a payment of the reporters by the house.¹²³ He would now read the note he had addressed to Mr. Penny,¹²⁴ upon the subject¹²⁵, and the reply he had received:

FRIDAY EVENING, July 11th 1851.

DEAR SIR,--

I noticed an article in the¹²⁶ last¹²⁷ Toronto Globe, which has since been copied into other papers, stating, in effect, that I attempted to corrupt the Reporters to publish the speeches of myself and my friends, and to pass unnoticed, or rather to suppress, those made by the ministerial party; and I expected to have seen before this a contradiction on your part, of that statement. You know what I proposed to you was a simple business transaction, and you know what was your answer, and I beg you will furnish me with a statement of what took place between us, that I may contradict the foul insinuation conveyed in the article to which I have referred.

Yours truly,
HENRY SHERWOOD.

E.G. PENNY, Esq.

N.B.--Give me an answer as soon as you can.
H.S.

FRIDAY EVENING, July 11th.

Hon. H. Sherwood,--

DEAR SIR:--I have just received your favour of this evening, calling my attention to an article which appeared in the Globe, which you say states in effect, that you had attempted to corrupt the reporters, to publish the speeches of yourself and friends, and to pass unnoticed, or rather to suppress those made by the Ministerialist party. You appear to suppose that the article has reference to the proposal you made to me, and I have no doubt that in fact it has that reference, inasmuch as in accordance with your desire, I mentioned to several gentlemen connected with the press, your wish to organize a corps of reporters, and told them at the same time the conversation that passed between us. Having done so, I did not conceive it my duty, as you suggest, to notice statements or comments arising out of an affair which was by no means confidential.

In accordance with your request, I now give you, to the best of my recollection, the substance of the conversation on that occasion.

You stated to me that you had had a meeting of your friends, I think that morning and that it was considered by them of great importance, that their speeches should go to the country in full.

I replied that I thought neither the newspaper offices, with their present arrangements, nor the reporters engaged, or within reach of engagement, were capable of getting up full short-hand reports in a satisfactory manner. I think I said too, that I believed if it were possible the expense would exceed what you and your friends would like to pay.

To this you said you did not want the speeches of the ministerial side of the House,--that their's might be cut down as much as we (the reporters) liked, or as much as possible (I do not recollect the precise words); that they might do the best they could for themselves. I think you added that this was what they did themselves, or words to that effect.

I explained that it was impossible to pretend to make a report of both sides, unless the same comparative attention were given to each; and, I repeated that I thought it impossible at any rate, to get up reports in short-hand.

You then desired me to inquire what reporters could be obtained, and to let

you know the result, in order that if a sufficient number could be procured, we might make further arrangements, and you suggested that men who could not write short-hand might be employed for the less important parts of the debate. It was after I had made that inquiry that I wrote to you in the evening. I have no copy of the hasty note which I wrote; but I think I mentioned that I had consulted my confrères. At any rate, I let you know that it was impossible to find the necessary strength to make short-hand reports.

I am not aware of anything further of importance that passed between us. As far as I was concerned, I understood that the idea of partial reports was not entertained a moment, for I distinctly told you at first that I could have nothing to do with them.

I remain, Sir,

Your obedient servant,

EDWARD GOFF PENNY.¹²⁸

He continued to say¹²⁹ of course he cared nothing about the matter.¹³⁰

MR. INSP. GEN. HINCKS.--Hear, hear.¹³¹

Cries of "good, Hincks. Hear."¹³²

MR. H. SHERWOOD.--Did the hon. member mean to say that he never employed reporters¹³³ in this House?¹³⁴

MR. INSP. GEN. HINCKS.--Never.¹³⁵

MR. H. SHERWOOD.--Then the hon. member was much belied¹³⁶. Had he (Mr. S.) not a perfect right to send to New York or anywhere else to obtain a gentleman to report his speeches, and his alone, if he chose to pay him for it? But¹³⁷ he (Mr. S.) was charged with more than this, he was charged with attempting to corrupt¹³⁸--to bribe--the reporters to report his speeches, and not the speeches on the opposite side.¹³⁹ He had done no such thing.¹⁴⁰ He believed that the reporters were beyond corruption--that they would accept no such bribe. He, however, never made such a proposition.¹⁴¹ He desired the principles he advocated to go before the country, where he felt they would be favourably received, and he knew that the more the facts were made known, the more unfavourable would be the position of hon. members opposite.¹⁴²

MR. SOL. GEN. MACDONALD said if the proposition of the hon. gentleman had been accepted--if he had secured the whole corps of reporters--what would be the position of this (the ministerial) side of the House?¹⁴³ [He] said the effect of the steps taken by the hon. member opposite would have been this, that for several weeks, just at the end of the session,¹⁴⁴ all the speeches of the opposition would have gone to the country, while those in defence of the government would have been suppressed.¹⁴⁵ The first they would know of the matter would be to learn that the reporters had all been engaged by gentlemen on the other side of the House.¹⁴⁶--And this was called fair play--this was called a justification. (Hear.)¹⁴⁷

MR. G. SHERWOOD declared that he had been present at the meeting¹⁴⁸, referred to by the hon. member for Toronto,¹⁴⁹ of members which took place before the interview between Mr. Sherwood and Mr. Penny, and he¹⁵⁰ knew that nothing was then stated which could lead the gentlemen who were appointed [to] a Committee to suppose that any unfair means were desired with respect to the reporters.¹⁵¹ On the contrary, the¹⁵² sole object was to have the speeches on his (Mr. S's) side¹⁵³ [OR] on both sides¹⁵⁴ reported as fully¹⁵⁵ [and] fairly¹⁵⁶ as possible. At present, inaccuracies occurred very frequently in the reports.¹⁵⁷ As it was well known ... there had been great complaints of the shortness and incorrectness of the reports. He did not mean to say this was done designedly, but probably from

misapprehension, or difficulty of hearing correctly. There was no intention to corrupt the reporters--indeed, how was it possible to corrupt the Ministerial press--for example, the great Globe itself. There was no wish to curtail any speeches; nor did he believe such an offer had been made. If the reporters fancied so, they must have misunderstood it.¹⁵⁸ There was ... intention ... merely to effect arrangements with the reporters of those papers which were supposed to be friendly to the party to which he belonged.¹⁵⁹

MR. INSP. GEN. HINCKS was rather surprised at what had fallen from the hon. member for Toronto¹⁶⁰ on the subject of the Reporters.¹⁶¹ Throughout this discussion,¹⁶² the hon. member appeared to think the whole question was between him and the Reporters¹⁶³ [OR] between the members and the reporters, whereas it was really between the papers and the public. He considered that¹⁶⁴ the press were bound to give the reports as fairly as they could¹⁶⁵. It was the function of the press of the city, in the discharge of its duties to the public, to give faithful representations of what took place in this House¹⁶⁶ and it would be a most serious reflection on the part of any newspaper proprietor to suppose that he would demean himself to carry out such a proposal as that which the hon. member confessed he had made.¹⁶⁷ No newspaper would act fairly to the public if the speeches on one side were reported fully, while those on the other side were brought within the smallest compass. The members of the government had been no party to any opposition¹⁶⁸ [or] to such transactions, and as a newspaper proprietor himself, in Montreal, he had done his best and he believed with success, to get up the debates in a perfect form in the Mirror of Parliament.¹⁶⁹ He was particularly struck by the fact¹⁷⁰ however at the honourable gentleman thinking that the Globe had labelled him for¹⁷¹ he (Mr. H.) could not discover in what the statement of the Globe differed from the hon. gentleman's explanation, and the statements made in the letter of Mr. Penny. After all the explanation about certain meetings, it was evident that the end was that a proposition was made to the reporters to publish¹⁷² full reports¹⁷³ [of] the speeches on the hon. gentleman's side of the house, and to chisel down the speeches on the ministerial side of the house.--He (Mr. H.) did not pretend to say that the hon. gentleman had not a right to get his speeches reported as fully as possible. But he did say that there was nothing in the Globe's statement inconsistent with the hon. gentleman's own explanation.¹⁷⁴

MR. CAYLEY was a party to the meeting which had been alluded to, and could state positively that no allusion was made to curtailing any of the speeches. Personally, he had had occasion to complain several times of¹⁷⁵ some misconstruction of his words of which he gave two or three examples; and¹⁷⁶ no doubt, this was the case with others on both sides.¹⁷⁷ He alluded to the pamphlet put out by Mr. Hincks containing Mr. Blake's speech in 1849, and Mr. Hinck's financial statement, in which he was careful not to insert his (Mr. C's) reply.¹⁷⁸ He did not wish to make any reflection on any of the reporters, several of whom he saw labouring hard night after night; but either their number was insufficient or the means of hearing were imperfect. After what had occurred, he trusted that some steps would be taken to ... have the speeches on both sides reported at a greater length than they were at present.¹⁷⁹ [He] expressed his desire for the re-establishment of a Mirror of Parliament, to which, he would be very glad to contribute.¹⁸⁰

MR. WILSON took it as a great mercy that many hon. gentlemen were not reported in full, and suggested that they would consult the public advantage, as well the convenience of the reporters, by curtailing their speeches more than they presently did. He had never had occasion to complain of being misrepresented, and was sure that, generally, speeches were just as well reported as they

were spoken. The public were tired of speechifying, and wanted to see some work done. He thought that some of the hon. gentlemen who were most inclined to make long speeches, would not trouble the next House.¹⁸¹

A very rambling discussion ensued on the bill, and finally the Committee rose, reported progress and obtained leave to sit again.¹⁸²

(158)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cartier reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

*Orders
deferred.*

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Solicitor General Macdonald, seconded by Mr. Wilson, The House adjourned until Monday next.

APPENDIX: 11 JULY 1851.

[NOTICE OF MOTION RE: CHANGING TO A DECIMAL MONEY SYSTEM.]

MR. INSP. GEN. HINCKS [donna] ... avis de son intention de proposer la substitution du système décimal relativement à la monnaie, au système actuel.¹⁸³

[COMPLAINT RE: MONEY TAKEN BY MR. SOL. GEN. DRUMMOND.]¹⁸⁴

Before the regular business of the day commenced, ... MR. H. BOULTON rose in his place and directed the attention of the Government to some money which had been drawn by the hon. member for Drummond under the following circumstances. The hon. member, he understood, had arrived from Lower Canada on Thursday, and appeared by the votes to have voted on a division that evening. Whether he attended in his place on Friday or not the votes did not show, but on Saturday, he was informed he returned home. Before his departure he received from the Accounting Clerk £3 for three days attendance and £25 12s 6d for his travelling expenses up and down. Now he considered that it could scarcely be regarded as such a bona fide attendance in Parliament as would entitle the member to the indemnity. In truth, the Act said it should be paid at the close of the session. He took this to be very wrong, and thought the honor of the House concerned at all events in putting a stop to proceedings like these if not in returning the money to be refunded.¹⁸⁵

FOOTNOTES: 11 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851. The debate was also reported by JOURNAL DE QUEBEC, 17 July 1851.
2. JOURNAL DE QUEBEC, 17 July 1851.
3. IBID.
4. IBID.
5. BRITISH COLONIST, 15 July 1851.
6. IBID.
7. IBID.
8. JOURNAL DE QUEBEC, 17 July 1851. The full text of JOURNAL DE QUEBEC's irreverent report on this matter ran as follows: "Les résolutions de M. Hincks pour créer une police marine à Québec et à Montréal ont donné lieu à une discussion bien ridicule soulevée par l'oncle Boulton qui ne comprenait pas la question et qui s'imaginait que le gouvernement voulait payer cette police avec les deniers du pays. Puis en flagrant délit d'ignorance, il n'a pas voulu admettre son erreur, et d'autres députés qui avaient peut-être trop dîné, le soutinrent dans sa prétention absurde. Mais enfin ils n'osèrent pas, ils ne pouvaient pas oser demander de division, et les résolutions, passèrent sans le moindre obstacle après des débats absurdes qui durèrent trois heures."
9. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, NORTH AMERICAN (Weekly-Supplement), 18 July 1851; GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851, and BATHURST COURIER, 22 July 1851. The debate was also reported by EXAMINER, 16 July 1851. It was noted by MONTREAL GAZETTE, 15 July 1851; and JOURNAL DE QUEBEC, 17 July 1851.
10. MONTREAL TRANSCRIPT, 19 July 1851.
11. HAMILTON SPECTATOR, 16 July 1851.
12. MONTREAL TRANSCRIPT, 19 July 1851.
13. HAMILTON SPECTATOR, 16 July 1851.
14. EXAMINER, 16 July 1851. The EXAMINER's account contained "the substance of Mr. Mackenzie's remarks on the several evenings during which the bill was discussed." It has been treated as a unit because of the fact that Mackenzie was so prone to repetitious remarks that it is impossible to be certain what he said only on one night, and what he said on two or more occasions. Ellipses represent illegible words.
15. HAMILTON SPECTATOR, 16 July 1851.
16. EXAMINER, 16 July 1851.
17. HAMILTON SPECTATOR, 16 July 1851.
18. MONTREAL TRANSCRIPT, 19 July 1851.
19. HAMILTON SPECTATOR, 16 July 1851.
20. MONTREAL TRANSCRIPT, 19 July 1851.
21. HAMILTON SPECTATOR, 16 July 1851.
22. EXAMINER, 16 July 1851.
23. HAMILTON SPECTATOR, 16 July 1851.
24. MONTREAL TRANSCRIPT, 19 July 1851.
25. EXAMINER, 16 July 1851.
26. MONTREAL TRANSCRIPT, 19 July 1851.
27. HAMILTON SPECTATOR, 16 July 1851.
28. MONTREAL TRANSCRIPT, 19 July 1851.
29. HAMILTON SPECTATOR, 16 July 1851.
30. MONTREAL TRANSCRIPT, 19 July 1851.

31. HAMILTON SPECTATOR, 16 July 1851.
32. MONTREAL TRANSCRIPT, 19 July 1851.
33. HAMILTON SPECTATOR, 16 July 1851.
34. IBID.
35. MONTREAL TRANSCRIPT, 19 July 1851.
36. IBID.
37. IBID.
38. EXAMINER, 16 July 1851.
39. MONTREAL TRANSCRIPT, 19 July 1851.
40. EXAMINER, 16 July 1851.
41. BRITISH COLONIST, 15 July 1851.
42. MONTREAL TRANSCRIPT, 19 July 1851.
43. IBID.
44. IBID.
45. IBID.
46. EXAMINER, 16 July 1851.
47. BRITISH COLONIST, 15 July 1851.
48. HAMILTON SPECTATOR, 16 July 1851.
49. MONTREAL TRANSCRIPT, 19 July 1851.
50. HAMILTON SPECTATOR, 16 July 1851.
51. MONTREAL TRANSCRIPT, 19 July 1851.
52. IBID.
53. EXAMINER, 16 July 1851.
54. IBID.
55. MONTREAL TRANSCRIPT, 19 July 1851.
56. EXAMINER, 16 July 1851.
57. IBID.
58. IBID.
59. IBID.
60. MONTREAL TRANSCRIPT, 19 July 1851.
61. EXAMINER, 16 July 1851.
62. MONTREAL TRANSCRIPT, 19 July 1851.
63. EXAMINER, 16 July 1851.
64. MONTREAL TRANSCRIPT, 19 July 1851.
65. IBID.
66. The following papers reported the debate on this matter in identical accounts: GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851, and BATHURST COURIER, 22 July 1851. The debate was noted by MONTREAL GAZETTE, 15 July 1851.
67. MONTREAL TRANSCRIPT, 19 July 1851.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 July 1851, MONTREAL GAZETTE, 16 July 1851, PILOT, 17 July 1851, MORNING CHRONICLE, 18 July 1851, which copied from GLOBE; GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851, and BATHURST COURIER, 22 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 15 July 1851, HAMILTON

- SPECTATOR, 16 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851. The debate was also reported by MONTREAL GAZETTE, 15 July 1851.
78. BRITISH COLONIST, 15 July 1851.
 79. IBID.
 80. MONTREAL TRANSCRIPT, 19 July 1851.
 81. MONTREAL GAZETTE, 15 July 1851.
 82. MONTREAL TRANSCRIPT, 19 July 1851.
 83. BRITISH COLONIST, 15 July 1851.
 84. MONTREAL GAZETTE, 15 July 1851, which also noted that "an uninteresting discussion followed."
 85. BRITISH COLONIST, 15 July 1851.
 86. MONTREAL TRANSCRIPT, 19 July 1851.
 87. BRITISH COLONIST, 15 July 1851.
 88. IBID.
 89. MONTREAL TRANSCRIPT, 19 July 1851.
 90. BRITISH COLONIST, 15 July 1851.
 91. MONTREAL TRANSCRIPT, 19 July 1851.
 92. BRITISH COLONIST, 15 July 1851.
 93. MONTREAL TRANSCRIPT, 19 July 1851.
 94. IBID.
 95. BRITISH COLONIST, 15 July 1851.
 96. MONTREAL GAZETTE, 15 July 1851.
 97. BRITISH COLONIST, 15 July 1851.
 98. MONTREAL GAZETTE, 15 July 1851.
 99. IBID., 16 July 1851.
 100. BRITISH COLONIST, 15 July 1851.
 101. MONTREAL GAZETTE, 16 July 1851.
 102. IBID.
 103. BRITISH COLONIST, 15 July 1851.
 104. MONTREAL GAZETTE, 16 July 1851.
 105. BRITISH COLONIST, 15 July 1851.
 106. MONTREAL GAZETTE, 16 July 1851.
 107. BRITISH COLONIST, 15 July 1851.
 108. IBID.
 109. IBID.
 110. MONTREAL GAZETTE, 16 July 1851.
 111. BRITISH COLONIST, 15 July 1851.
 112. MONTREAL GAZETTE, 16 July 1851.
 113. BRITISH COLONIST, 15 July 1851.
 114. MONTREAL GAZETTE, 16 July 1851.
 115. BRITISH COLONIST, 15 July 1851.
 116. MONTREAL GAZETTE, 16 July 1851.
 117. BRITISH COLONIST, 15 July 1851.
 118. MONTREAL GAZETTE, 16 July 1851.
 119. IBID.
 120. IBID.
 121. BRITISH COLONIST, 15 July 1851.
 122. MONTREAL GAZETTE, 16 July 1851.
 123. BRITISH COLONIST, 15 July 1851.
 124. MONTREAL GAZETTE, 16 July 1851.
 125. BRITISH COLONIST, 15 July 1851.
 126. MONTREAL GAZETTE, 16 July 1851.
 127. BRITISH COLONIST, 15 July 1851.
 128. MONTREAL GAZETTE, 16 July 1851.
 129. BRITISH COLONIST, 15 July 1851.

130. MONTREAL GAZETTE, 16 July 1851.
131. BRITISH COLONIST, 15 July 1851.
132. MONTREAL GAZETTE, 16 July 1851.
133. BRITISH COLONIST, 15 July 1851.
134. MONTREAL GAZETTE, 16 July 1851.
135. BRITISH COLONIST, 15 July 1851.
136. IBID.
137. MONTREAL GAZETTE, 16 July 1851.
138. BRITISH COLONIST, 15 July 1851.
139. MONTREAL GAZETTE, 16 July 1851.
140. BRITISH COLONIST, 15 July 1851.
141. MONTREAL GAZETTE, 16 July 1851.
142. BRITISH COLONIST, 15 July 1851.
143. MONTREAL GAZETTE, 16 July 1851.
144. BRITISH COLONIST, 15 July 1851.
145. MONTREAL GAZETTE, 16 July 1851.
146. BRITISH COLONIST, 15 July 1851.
147. MONTREAL GAZETTE, 16 July 1851.
148. BRITISH COLONIST, 15 July 1851.
149. MONTREAL GAZETTE, 16 July 1851.
150. BRITISH COLONIST, 15 July 1851.
151. MONTREAL GAZETTE, 16 July 1851.
152. BRITISH COLONIST, 15 July 1851.
153. MONTREAL GAZETTE, 16 July 1851.
154. BRITISH COLONIST, 15 July 1851.
155. MONTREAL GAZETTE, 16 July 1851.
156. BRITISH COLONIST, 15 July 1851.
157. MONTREAL GAZETTE, 16 July 1851.
158. BRITISH COLONIST, 15 July 1851.
159. MONTREAL GAZETTE, 16 July 1851.
160. IBID.
161. BRITISH COLONIST, 15 July 1851.
162. MONTREAL GAZETTE, 16 July 1851.
163. BRITISH COLONIST, 15 July 1851.
164. MONTREAL GAZETTE, 16 July 1851.
165. BRITISH COLONIST, 15 July 1851.
166. MONTREAL GAZETTE, 16 July 1851.
167. BRITISH COLONIST, 15 July 1851.
168. MONTREAL GAZETTE, 16 July 1851.
169. BRITISH COLONIST, 15 July 1851.
170. MONTREAL GAZETTE, 16 July 1851.
171. BRITISH COLONIST, 15 July 1851.
172. MONTREAL GAZETTE, 16 July 1851.
173. BRITISH COLONIST, 15 July 1851.
174. MONTREAL GAZETTE, 16 July 1851.
175. IBID.
176. NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
177. MONTREAL GAZETTE, 16 July 1851.
178. BRITISH COLONIST, 15 July 1851.
179. MONTREAL GAZETTE, 16 July 1851.
180. NORTH AMERICAN (Weekly-Supplement), 18 July 1851.
181. BRITISH COLONIST, 15 July 1851.
182. IBID.
183. JOURNAL DE QUEBEC, 17 July 1851, which contained the following commentary:
"C'est un précieux changement, dont, nous espérons, il conduira les consé-

quences partout, en adoptant le système décimal pour les poids et les mesures de tout genre. Aurons-nous la consolation de voir établir dans le Canada un hôtel de la monnaie?"

184. Mr. H. Boulton's complaint was reported by: BRITISH COLONIST, 15 July 1851, and NORTH AMERICAN (Weekly-Supplement), 18 July 1851, in identical accounts.
185. BRITISH COLONIST, 15 July 1851.

MONDAY, 14 JULY 1851.

(158)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Boulton,--The Petition of the Municipality of the Township of Brantford; and the Petition of the Municipal Council of the Town of Brantford.

By Mr. Smith of Frontenac,--The Petition of the Very Reverend Archdeacon Stuart and others, Trustees of the Midland District School Society.

By Mr. Mackenzie,--The Petition of Alexander Douglas, Town Reeve, and others, Councillors of the Township of Bertie, County of Welland; and the Petition of Abel Bristol and others.

By the Honorable Mr. Cayley,--The Petition of the Municipal Council of the United Counties of Huron, Perth, and Bruce.

By the Honorable Mr. Robinson,--Two Petitions of the Municipal Council of the County of Simcoe.

By the Honorable Mr. Price,--The Petition of A.T. McCord, Moderator, and John Carter, Secretary, on behalf of the Regular Baptist Union of Canada.

By Mr. Sanborn,--The Petition of D. Thomas, Esquire, and others, of the Townships of Shipton, Melbourne, and their vicinity, County of Sherbrooke.

By the Honorable Mr. Hincks,--Two Petitions of the Municipal Council of the County of Oxford.

By Mr. Prince,--Four Petitions of the Municipal Council of the United Counties of Essex and Lambton.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Jeffery Hale, Esquire, President, and others, Members on behalf of the Quebec British and Canadian School Society; praying the usual aid in behalf thereof.

Of the Municipal Council of the City of Hamilton; taking notice of the Bill to authorize the disposal of a part of the Court House Square in the said City, and praying that the same may not pass into law.

Of the Mayor, Aldermen, and Commonalty, of the City of Hamilton; praying that the application of Peter H. Hamilton that a certain Road allowance in the Township of Barton be vested in him, be not granted, and that the Bill to empower Municipal Corporations to hold property in Roads beyond their limits may pass into law.

MR. LAURIN¹ moved the reference of the petition of Joseph Bruneau and others, to a select committee. The petition prayed for the passing of an act to extend the time for the filling of Militia claims² in Lower Canada.³

MR. COM. CR. LANDS PRICE opposed the motion. These claims had led to an immense amount of speculation and perjury, while they added extensively to the business of the Crown Lands office.⁴ More perjury and rascality had been perpetrated under the existing act on this subject, than under any other single act. It had already cost the country a very large sum, one half of which had gone into the hands of speculators. He was convinced that many--very many--cases which had passed through his hands, and which he at the time believed to be true, were altogether false, and that the rightful claimants had been defrauded by scoundrels.⁵

MR. LAURIN spoke in favour of the motion.⁶

MR. ARMSTRONG said the claims had been opened nine months in Upper Canada, while they were closed in Lower Canada.⁷

MR. INSP. GEN. HINCKS replied to this⁸. [He] remarked that it was not exactly a fair representation to say the claims had been open in Upper Canada while they were closed in Lower Canada. When the act was passed it was not intended to open them at all in Lower Canada for the reason that they had already been open there⁹ [and had] been kept open there longer than they should have been.¹⁰ It was clear they could not now be opened to one section of the Province without being opened in both.¹¹

MR. SEYMOUR said the Inspector General had placed on the list, claimants no longer ago than May last.¹² [He charged] the Inspector General with having manufactured new U.E. Loyalists ... three quarters of a century after the revolutionary war. On account of U.E. Loyalists thus manufactured, four persons in Mr. Seymour's County had received £20,000 worth of Scrip,¹³ and he could prove if a committee were granted that not over £2000 of these claims were¹⁴ legally due, the remaining claims being fraudulent.¹⁵

MR. AT. GEN. LAFONTAINE opposed the motion¹⁶.

Some further discussion followed.¹⁷

MR. CHAUVEAU spoke in favor of the motion.¹⁸

MR. COM. CR. LANDS PRICE mentioned instances in which he had been deceived into the admission of fraudulent claims enforced by forgery and perjury which had subsequently been discovered. He believed that one-fourth of the whole scrip issued had been issued to persons not entitled to it¹⁹, and he mentioned instances in which he had himself been imposed upon by false representations, and induced to pass claims which it afterwards turned out, were enforced by perjury and forgery; and the real claimants had afterwards turned up.²⁰ Out of £135,000 issued for U.E. Loyalists, he believed that not £60,000 had gone to persons entitled to it; while nine-tenths of the whole scrip issued had been made the subject of speculation.²¹

MR. INSP. GEN. HINCKS, in reference to the statement of Mr. Seymour, said that the persons who had received £20,000 scrip, had acted as agents for other parties.²² The names he had caused to be put on the list of claimants were those of persons, which had been marked in red ink, "sus" for suspended, without any cause being given for the suspension.²³ The object of receiving ... claims was an act of justice to ... [those] parties, and with reference to the frauds the hon. member said he would prove, he (Mr. H.) did not think that any confidence could be put in statements with reference to this matter after the revelations of Mr. Price.²⁴

MR. SEYMOUR said, the four persons had purchased nearly £20,000 worth of scrip, and it happened that they were all Ministerialists. What he objected to was that the Inspector General had created U.E. Loyalists three quarters of a century after the revolutionary war. He (Mr. Hincks) had not been obliged to put the names on the list, and he (Mr. S.) believed he could prove that this had been done against the report of the person employed to investigate the claims.²⁵

MR. INSP. GEN. HINCKS said he never created a new claim. He caused some names to be restored that had been marked in red ink "sus," for suspended, without any reason being given.²⁶

Some further discussion [ensued].²⁷

(158)

Petition of
J. Bruneau
and others.

Mr. Laurin moved, seconded by Mr. Letellier, and the Question being put, That the Petition of Joseph Bruneau and others, of Lower Canada, Militiamen, praying

for the passing of an Act to extend the time for producing Militia claims, be referred to a Select Committee, composed of the Honorable Mr. Price, Mr. Bouthillier, Mr. Lyon, Mr. Letellier, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Bouthillier, Duchesnay, Fortier, Fourquin, Guillet, Lacoste, Laurin, Letellier, and Mongenais.--(10.)

NAYS.

Messieurs Baldwin, Bell, Cartier, Cayley, Chabot, Chauveau, Christie, Davignon, Solicitor General Drummond, Dumas, Flint, Fournier, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, LaTerrière, Solicitor General Macdonald, Mackenzie, McConnell, Merritt, Méthot, Nelson, Papineau, Polette, Price, Prince, Robinson, Sanborn, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Smith of WENTWORTH, Taché, and Viger.--(36.)

So it passed in the Negative.

Message from the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

(159)

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:

Bill to authorize a Second Term of the Superior Court to be held in the District of Gaspé.

Bill, intituled, "An Act to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, and for the better administration of Justice therein:"

Land Surveyors Act Amendment Bill.

Bill, intituled, "An Act to amend the Act concerning Land Surveyors:" And also,

Wood's Estate Relief Bill.

The Legislative Council have passed a Bill, intituled, "An Act to afford relief to the Estate of the late Alexander Wood," to which they desire the concurrence

of this House.

And then he withdrew.

Wood's Estate Relief Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to afford relief to the Estate of the late Alexander Wood," was read the first time.

Sault Ste. Marie Canal Bill.

Ordered, That the Bill to incorporate the Sault Ste. Marie Canal Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

MR. MACKENZIE²⁸ moved the resolutions of which he had given notice, for returns relative to the Post Office, at the same time making some statements relative to the affairs of the Office²⁹, sustaining the motion in a speech of some length.³⁰ First, with reference to that share of the revenue, which ought to be

remitted from England for the Provincial Government; and next, with reference to the late contract for the carriage of the mails, which³¹ he said the Post Master General was accused of having³² in some instances,—as, for example, in that of Mr. Glasscott, ... given to party favourites³³ instead of putting it up to public competition.³⁴ That gentleman he said, had been required to reduce his old terms; but at length found the contract had been given to another party at the same terms as he was accustomed to get.³⁵

(159)

On motion of Mr. Mackenzie, seconded by the Honorable Mr. Boulton,

Post Office
Department.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to direct that a Return may be sent down

to this House shewing the net revenue of the Post Office Department in Canada, after paying all charges of management, for the year ending July 5th, 1849; and copies of the Quarterly Returns made by the late Deputy Post Master General to the Post Office Department in England, shewing the receipts and expenditure of the Post Office Department in Canada, from the 5th July, 1850, to the 5th April last, or to the latest period to which the Returns have been already made up; also, a Statement shewing the amount of the net revenue of the Post Office Department in Canada, after deducting all charges of management, since the 5th day of July, 1844, and informing this House of the purposes to which said net or surplus revenue, raised from the People of Canada, has been applied, together with a copy of a Despatch of the Right Honorable Earl Grey, dated the 25th of June, 1847, ordering the net surplus, from 5th July, 1844, to be applied to the public uses of this Province; and a Statement shewing the times when the several Mail Contracts, enumerated in a Return sent down on the 30th of last month, relative to the Post Office Department, will expire; how many of those Contracts were made with the Department since the 5th of April last; and whether all or any of such Contracts were open to public competition, or privately awarded to persons selected by the Executive Government.

MR. INSP. GEN. HINCKS replied³⁶. [He] disputed the hon. member's facts³⁷ and stated that as to the contracts, the Post Master General had introduced a bill, in which it was distinctly provided that these contracts for carrying the mails should be put up to competition. Pending that bill, the Post Master General had carried on the old plan of letting out the contract; but in the case mentioned the contractor had thrown up his contract, which was given to another person at the same terms. He did not object to the greater part of the motion³⁸ [and] consented to ... [it] with some amendments.³⁹

Some observations ... [came from] MR. MACKENZIE.⁴⁰

The motion, as amended, was agreed to.⁴¹

(159)

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. MERRITT⁴² then moved an instruction to the Railway Committee, to inquire if certain funds had not been created with the proceeds of the Clergy Reserves School lands and Jesuits' Estates [and] the amount of such funds⁴³. [He inquired] whether it would not be possible to apply to the purpose of the proposed Railway guarantee, the proceeds of the Public Lands now founded for Clergy Reserves, Schools, Jesuits' Estates⁴⁴, and other special funds⁴⁵; also⁴⁶ what amount of capital they would command at 3½ per cent;⁴⁷ how much per mile the Railroad would

cost, throughout the Province, [and] what extent of road ... could be built with funds such as he mentioned.⁴⁸

(159)

Railroads.

The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Boulton, and the Question being put, That it be an Instruction to the Standing Committee on Railroads and Telegraph Lines, to enquire into and report for the information of this House, the amount of money now invested in public or other securities of the Clergy Reserve, College Council, Upper Canada College, Grammar School, and Common School Funds in Upper Canada, and all other specific Funds from land or any other source under the control of the Provincial Government, which may be permanently invested; the amount on hand from either of those Funds, or any other source which can be invested, with a view of ascertaining whether the proceeds of the Public Lands cannot be made available to aid in the construction of Railroads, with security to the several Funds so invested, and without incurring any additional liability on the Provincial Revenue; and what amount of capital those available Funds would command at three and a half per cent. interest, in case the credit of the Imperial Government can be obtained on the security of the lands unsold; and also to estimate the cost per mile, in cash, of the Railroads contemplated, the number of miles the capital thus realized will finish, and the periods when it will be required;

A very lengthy debate ensued⁴⁹.

MR. INSP. GEN. HINCKS was puzzled⁵⁰ [and] professed not to be able to understand the purport of the motion, unless it were to make the same funds which had built the canals now build the Railroad.⁵¹

MR. MERRITT said, the thing was very simple. There had been a handsome sum of £500,000 of these monies invested in debentures to build the Welland Canal, and other public works.⁵² He explained that his object was to sell these funds which existed, in the shape of Provincial debentures, held in trust on behalf of the several objects mentioned, and having realized the money⁵³ in his pocket ... he thought the Railway Committee would understand that these funds might be lent to the Railway at six per cent, whereas Great Britain would lend the money at 3½ per cent. This would create a sinking fund of 2½ per cent by the profit⁵⁴ [which would be applied] towards the liquidation of the⁵⁵ public debt⁵⁶ while the several funds would still retain the Province as their debtor for the amount of debentures now held for them.⁵⁷ The other investments he would apply in the same way. The Province would thus have a command of capital which no other country could obtain.⁵⁸

MR. INSP. GEN. HINCKS opposed the motion⁵⁹. [He] said, the whole object of this scheme was to keep the Consolidated Fund clear from debt; but this would be done only by taking the property at present appropriated to specific funds. Now if it should happen that the Railroad should pay, it would be all very well: it would be all the same in whatever way the money was raised; but if the Railways did not pay, how would it be then? It was reasonable enough that the Province should incur risk and loss, if loss should occur upon this railway speculation; but where was the justice of risking the chance of making this loss fall on certain funds set apart in trust for certain purposes.⁶⁰ [He saw] this motion ... as an improper interference with monies held in trust, without being in fact anything more or less than the creation of a new Provincial debt, which will be no heavier if it be created by the issue of new debentures.⁶¹

Some observations [came] from MR. H. SHERWOOD and MR. H. BOULTON, in favor of Mr. Merritt's proposition⁶².

MR. AT. GEN. BALDWIN [spoke] in opposition to it.⁶³

MR. SOL. GEN. DRUMMOND ... and several others [also] took part.⁶⁴

MR. MERRITT said he only asked for inquiry which surely could do no harm.⁶⁵

MR. HOLMES was in favor of obtaining the information mentioned in the motion, but thought there was one view of the case not yet considered. These funds which it was proposed to sell were in trust with the government for certain corporate bodies; they belonged to the Clergy Reserves estates, the Jesuits's [*sic*] Estates, &c.--Now if they were sold as to make the basis of an operation in which money should be borrowed at $3\frac{1}{2}$ per cent, and lent at 6 per cent., it seemed the proprietors would have a right to claim the⁶⁶ profit to be made by the transaction⁶⁷. Nevertheless, he thought it worth while to make the enquiry, if only for the sake of ascertaining the probable rate of cost per mile of the railways.⁶⁸

MR. MERRITT said the proprietors of the funds would not get less than 6 per cent., as at present.⁶⁹

(159)

the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Cayley, Christie, Holmes, Hopkins, Letellier, Macdonald of KINGSTON, Merritt, Méthot, Robinson, Sherwood of TORONTO, and Smith of FRONTENAC.--(13.)

NAYS.

Messieurs Armstrong, Baldwin, Boulton of TORONTO, Burritt, Cartier, Chabot, Chauveau, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Lacoste, LaTerrière, Laurin, Lemieux, Solicitor General Macdonald, Sir Allan N. MacNab, McConnell, McLean, Mongenais, Morrison, Nelson, Papineau, Price, Richards, Sanborn, Sauvageau, Scott of BYTOWN, Seymour, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(39.)

So it passed in the Negative.

MR. CAYLEY⁷⁰ said, that the question he was anxious to bring under the consideration of the house was, whether it was desirable to raise annually a larger revenue than the exigencies of the public service demanded, in two words, whether it was desirable to have a "surplus revenue."

From 1844 to 1847 the duties had been collected under Imperial as well as Provincial Acts.

The largest amount collected in any one year, under those acts, was £429,722, in 1844. The duties raised by Imperial and Provincial Acts were consolidated in 1847, and the average rate reduced; that took place while he held the office of Inspector General, and the largest amount of duty collected in any one year under the Act was, £381,063, in the year 1847.

In 1849, a year after the present Inspector General had taken office, a new scheme and scale of duties were adopted, whereby the Customs revenue for 1850, according to the returns laid upon the table, was raised to £583,530. Referring to the explanatory notes which accompanied that return, it was there stated that this increased revenue was the result of "increase of duties and trade;" to each of these several amounts, the sums annually received from other sources, viz., bank imposts, excise, casual and territorial revenues, public works, &c., were to be added, averaging, for the last seven years, £105,115 a year, making a total for each of the periods selected, of £534,837, £486,178, and £688,646, respectively.

Turning next to the annual expenditure for the general service, after de-

ducting the sums set apart for a sinking fund, and public works--for which a separate and distinct appropriation had been made in 1849,--he found the expenditure for the years 1844 and 1850, inclusive, to be as follows:

1844	£385,063
1845	457,846
1846	420,922
1847	458,021
1848	459,451
1849	459,913
1850	532,063

With the exception of 1848, when trade was all but paralysed, and a mere nominal sum was paid in by the Crown Lands, (under £4000), the smallest amount of revenue from all sources collected in any one year was £485,178. Thus showing that the smallest annual revenue to be calculated upon, under the old rates of duty, was sufficient for the expenditure of any single year during that period, with the exception he has named, and the year 1850, and that brought him to the principal ground he had for moving the present enquiry and the resolution before the chair. He was disposed to attribute the increased expenditure to the increased facilities which the larger revenue placed at the disposal of the Government to meet it. Three items of the Public Expenditure to which he would call the attention of the house, would, in his opinion, establish this. The increase of the Public Debt, the charge for the Administration of Justice, and the expenditure under the head Miscellaneous.

Turning to the Public Accounts, he would read the annual charges made for interest for the last six years:

In 1845 the amount charged was	£141,287
1846.	145,249
1847.	148,264

That was at the time of the last Administration, showing an increase from 1845 to 1846 of £3,962, and from 1846 to 1847 of £3,015.

The charges for interest for the three following years, under the present Administration, were, for:

1848	£166,014
1849	180,125
1850	197,026

Showing an increase between 1847 and 1848 of £17,950; between 1848 and 1849 of £14,110, and for the year 1850 of 16,904, and yet the expenditure on Public Works during the three last years was by no means equal to the three years preceding. Again, the expenditure for the Administration of Justice for the same period was:

In 1845.	£ 51,266
1846.	58,083
1847.	60,000
1848.	69,082
1849.	62,530
1850.	86,583

And the charges under the head Miscellaneous were--

In 1845.	£ 14,577
1846.	18,473
1847.	Imperfect Return.
1848.	20,222

1849.	20,788
1850.	40,100

by which it would be seen that the charge for 1850 nearly doubled that of any previous year. He did not mean to contend that a portion of the increased expenditure was not assignable to causes irrespective of the command of means, but he did attribute a large portion of it to pressure from without, and a surplus revenue; look at the immense addition (of nearly six per cent) to the burden which the people had to bear for the Administration of Justice, look at the enormous addition in that item alone during the last twelve months. Let the House turn to the fearful array of figures brought down in the estimates for the current year, and say that the surplus revenue had no hand in making up the Bill £162,622 exclusive of a demand of £186,580 for Public works. To give an instance from present Legislation, there was a Bill then before the House to appoint two Penitentiary Inspectors with travelling allowances of some £1600 a year with duties as multifarious as those of the maid of all work in a small family or Jemmy Ducks aboard ship--they were to inspect all accounts, pass all estimates, watch over the Penitentiary discipline, and inspect the daily supplies of bread and meat, added to which they were to supersede all the Grand Juries of the Province in their responsible duties of inspecting prisons, by a roving commission to travel from Gaspé to Sandwich, perfectly incompatible with a satisfactory fulfilment of their duties as Penitentiary inspectors, and thus a very heavy charge was about to be imposed upon the revenue, to ensure the neglect of services, hitherto efficiently performed without expense by the Grand Juries of the Province. The lavish outlay for Public Buildings would clearly never have been indulged in, had it not been for the surplus revenue, and to the same cause he strongly suspected they were indebted for one-third of the present estimates. He would refrain on the present occasion from going into them, as a full opportunity for discussion and explanation would be afforded when they were taken up in Committee, but there were several charges there, which, if correct, should in justice to the parties have been brought down in 1845, or in '49 or '50. The Opposition had been taunted on a recent occasion with a vote they gave on the Court of Chancery question, from the fact that in 1847 they had themselves contemplated a change in that Court, that was very true, and what had created their hesitation, and delay, when Mr. Jamieson, then Vice-Chancellor, had offered to retire upon a pension; the House well knew it was the having to make provision for that pension. Most certainly that consideration proved no stumbling block with the incoming administration, who speedily swallowed the pension and three new Judges besides, to say nothing of the five added to the Bench in Lower Canada at an additional cost to the country of £45000 in each section of the Province, making a new permanent charge of the general revenues of £9000 a year. It had been thrown out by the Honorable Inspector General that the late Government had added to the cost of the administration of Justice, but that was not the case; what the late Government had done was, to place Upper Canada upon the same footing with Lower Canada, by relieving the upper section from local taxation for the support of the Administration of Justice, by placing the whole charge upon the general revenues; they had only adjusted the burden more equally, not increased it.

After some further observations, in which Mr. Cayley contended⁷¹ that though there was an apparent surplus revenue of £130,000, the house would have to make fresh provision for the public service. He made no charge of speculation against gentlemen opposite; but he imputed it to the facility arising from the surplus revenue. The surplus, then, was a source of embarrassment rather than advantage,⁷² a source of weakness, rather than strength to a government--exposing them to every species of annoyance and imposition--and pointing out the injustice of taxing the country to the extent of £700,000 a year, when the regular annual expen-

diture, as he had shewn, had never reached £500,000, except in the case of the last year.⁷³ His desire was to see whether it would not be for the benefit of the public to reduce the present burdens by diminishing all duties, except those levied on articles, the produce of the Province.⁷⁴ He moved that the House should go into committee to consider the question of reduction of duties, except in those articles in which foreign imports competed with home manufactures and industry.⁷⁵

(159)

Customs Duties.

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Robinson, and the Question being put, That this House do now resolve itself into a Committee, to take into consideration the propriety of reducing the Customs Duties on Imports, with the exception of those articles of growth or manufacture which enter into competition with the productions of this Province;

MR. INSP. GEN. HINCKS, after expressing his regret at the necessity of replying without notice, said that if it were alleged that the surplus revenue was embarrassing to the government, it was not because they had granted too many applications; but because they had refused them⁷⁶ [OR] it was not because they had refused them. He then entered into a defence of the government against the charge of extravagant expenditure.⁷⁷ As to the three items of increase he would remark that with regard to public works, he did not think the present administration had spent more than previous ones; and most of the works now going on were undertaken previous to their coming to power.--As to the administration of Justice, the increase of cost was caused by the measure of hon. gentlemen opposite who had thrown the whole charge upon the consolidated fund. He admitted, however, that the increase of costs had been partly caused by the establishment of new courts in Lower Canada; and the reorganization of the old courts in Upper Canada. This latter increase, however, was justified by the increase of population, and the necessity above all other things to have an efficient administration of justice. He admitted also that the miscellaneous expenses had largely increased in the last two years, that was partly caused by the removal of the seat of government; but a great part of that must have been incurred in any case, for the erections of public buildings at Montreal, rendered necessary by the events there, even if there had been no removal. With respect to the reduction of taxes, there were two considerations,--whether it were possible to reduce the taxes, and whether, if that were possible, it would not be better to charge fresh items on the consolidated fund, than to reduce its amount. Now it must be remembered that hon. gentleman opposite had been constantly pressing the Government to assume the management of the light houses, &c., and he confessed that he thought it would be sounder policy to do so than to reduce the revenue. There were a number of items in the public accounts--the debt, £300,000 per annum,--education, £10,000, --the Post Office deficit, £15,000, which must be paid at any rate; for the cost of the civil government was comparatively nothing at all. At present, however, it was well known, that there was an unusual pressure for aid to fresh public works of the Province, and it was clear to him that a very great increase of liability must take place. It would, therefore, be most dangerous, at such a period, to diminish the revenue in the country, and could tend to nothing else than to destroy the credit of the Province at a time when it was most important to maintain it.⁷⁸

MR. H. SHERWOOD, on that part of the subject which related to the change of the seat of government, declared himself to be in favour of alternate Parliaments; but that the Government was not justified in changing the seat of the Legislature at the end of two years, instead of at the end of four years.⁷⁹ [He] referred to the expenses connected with the removal of the seat of Government.

He would never have been an advocate for its removal from Montreal had he supposed that it was only to remain two years.⁸⁰

MR. LETELLIER called the hon. member to order, the question before the house not being the removal of Government.⁸¹

MR. H. SHERWOOD continued to remark on the same subject, connecting it with the public expenditure.⁸²

MR. MORIN the SPEAKER called the hon. gentleman to order again.⁸³

MR. H. SHERWOOD said the reason of his bringing up the subject at present was the matter of expense, not of fair play, and therefore he had a right he contended, to remark further on its bearings on the present question.⁸⁴

MR. MERRITT would cheerfully support the motion for going into committee⁸⁵, [and] with all his heart, for he⁸⁶ had always⁸⁷ advocated not the immediate but the gradual decrease of customs, so as to augment the trade⁸⁸ on our canals, and consequently⁸⁹ to enable the Province to draw⁹⁰ [increased] revenue derived⁹¹ from tolls. In that case Canada would be able to compete with the State of New York, which by a constitutional enactment had provided for the extinction of their debts in 1868, after which she would be in a position to compete with the Province without chance of successful rivalry. Now \$4,000,000 of United States manufactures were imported annually at 20 per cent. Then we were importing £600,000 foreign articles on which duties had been paid in the United States before they came here. And these were paid for in Canadian products at a depreciated price.⁹² We lived under a system neither of Free Trade nor Protection--a policy which was ruinous to the country.⁹³ On the other hand, the trade by the St. Lawrence was departing⁹⁴ as between Canada and Great Britain and going over to the United States⁹⁵, and was less than in 1835.⁹⁶ If we take the trouble to look at the statistical table, published under the authority of the Secretary of State at Washington, we find this statement⁹⁷ about the surplus revenue was certainly true. ... The duties in Canada⁹⁸ are being increased from 2½ per cent. before the Union, up to 12 per cent now.⁹⁹ The expense went on increasing with the revenue.¹⁰⁰ Was there not a necessity, therefore, for decreasing our taxation if there was any prospect of increasing our trade. He went on, at length, to draw disparaging statements of the state of our trade, and the unproductive nature of our public works.¹⁰¹ It had often been asserted that the cost of collecting the customs was less than elsewhere. If it were so, that was nothing at all, for he found that the expenses had actually increased from £15,000 per annum to £30,000. He went on to point out that the expenditure of the Canadian Government was larger per individual than that of the independent¹⁰² federal¹⁰³ Government of the United States, and that of the State of New York, put together. He, therefore, would support Mr. Cayley, or any other member in his desire to cut down useless taxes.¹⁰⁴

MR. ROBINSON made a few remarks upon the importance of the proposed reduction of duties on imports, and¹⁰⁵ said if the reduction of our revenue would involve the stoppage of our Public Works, he would decidedly oppose the motion. It was discouraging, while our revenue was increasing, to have nothing to spare for these works. He considered that our surplus revenue should either be appropriated to public improvements, or a reduction should be made in our taxation.¹⁰⁶ [He] suggested that the matter should be put off, if the Government were not then prepared.¹⁰⁷

MR. CARTIER opposed the motion¹⁰⁸ [and] spoke generally in reply to the remarks of Mr. Merritt,¹⁰⁹ [disapproving of] the statements of Mr. Merritt, relative to the provincial prosperity¹¹⁰ [and] financial systems of the States of New York and Pennsylvania.¹¹¹ He showed that in the City of New York a taxation of \$4,000,000

was required for Municipal expenses. From the whole State a sum of \$16,000,000 was required for the maintenance of the federal government. The State of Pennsylvania was more analagous to our own. That State whose public works cost an immense sum only derives from that source a revenue of \$400,000.¹¹² [He censured] the decrying of ourselves ... saying that we had an expensive Government. Our credit abroad was at present good; and that was a proof of the favorable manner in which we were regarded by foreigners.¹¹³

MR. W. BOULTON¹¹⁴ entered into an examination of various items of provincial expenditure¹¹⁵ in the estimates which he condemned¹¹⁶ as extravagant and unjustifiable;¹¹⁷ and said they would not be there but that the Government had more money than it knew what to do with.¹¹⁸ [He] objected to all the grants to sectarian educational institutions.¹¹⁹

MR. INSP. GEN. HINCKS thought the House would not support this principle; he for one had no hesitation in saying that he was opposed to the discontinuation of these grants.¹²⁰

MR. W. BOULTON was reading from a newspaper in support of his views, when he was called to order.¹²¹

MR. H. BOULTON contended that reading a newspaper was not out of order. A member of that house had the perfect right to read from any authority he liked in support of his views.¹²²

MR. W. BOULTON went on to contend that the worst thing that could befall a government was to have too much money.¹²³ Government expenses should be limited to the requirements of the country, and be met by direct taxation. He was in favor of the motion.¹²⁴

DR. LATERRIERE spoke briefly (in French)¹²⁵.

MR. CAYLEY replied, but he was very indistinctly heard in the Reporters' Gallery. He was understood to argue,¹²⁶ that looking back for the last six or seven years, it would be found that the expenditure did not exceed £500,000 or £600,000; and¹²⁷ that in the fact of this¹²⁸ there was no valid¹²⁹ argument to say the revenue should be kept at £700,000¹³⁰. In his opinion, £200,000 was too great a surplus to retain to meet the¹³¹ contingencies that might arise.¹³²

MR. RICHARDS said that the reduction of our expenditure was¹³³ [an] important¹³⁴ subject, worthy of careful consideration; but this was an irregular way of introducing it.¹³⁵ He considered the present an improper time to discuss the question, and contended it¹³⁶ should be either left to the government or be brought up when the estimates came before the house.¹³⁷

MR. H. BOULTON ... spoke at some length, and was frequently interrupted with noises.¹³⁸ [He] insisted on the necessity of retrenchment, as a principle of government, and as a means of reducing the prices of teas, sugars, and other articles of large consumption. On the other side of the line, a farmer may obtain 10 lb. of sugar for a barrel of wheat, while here it will not fetch more than 5 or 6 lbs. It might be that the Inspector General was indifferent to this hearing of the question, as it was understood that he did not intend to face the farmers of Oxford again.¹³⁹

MR. INSP. GEN. HINCKS said the hon. gentleman was very much mistaken.¹⁴⁰

MR. HOLMES said he might agree with some ideas of the hon. member for Huron, but he warmly censured¹⁴¹ the introduction¹⁴² of such matters at¹⁴³ the present¹⁴⁴ period of the session¹⁴⁵ as it obstructed public business, with no possibility of a good result. When the estimates came¹⁴⁶ before the House¹⁴⁷ this

discussion would be legitimate, at present it was out of place.¹⁴⁸

MR. MACDONALD (Kingston) maintained that this was the proper time.¹⁴⁹ [He] contended that the Opposition followed the English practice, and cited late motions of Mr. Hume, and Lord Naas in England.¹⁵⁰ In the Imperial parliament, when the ministry did not formally and distinctly announce their plan for the disposal of a surplus, the opposition always brought up a separate proposition.¹⁵¹ He went on to speak generally in favour of the motion, condemning strongly¹⁵² in principle that an unappropriated surplus should be kept in the hands of the government till the end of the session, and then be disposed of in supplementary estimates. If such a surplus did not become a means of corruption, it was certain to be a source of unpleasant solicitation and suspicion, when the government laid any new appropriation before the house.¹⁵³

MR. INSP. GEN. HINCKS spoke in reply to Mr. Boulton¹⁵⁴. He ... entered into a defence of the increased public expenditure¹⁵⁵, [stating] that some of these augmentations of expense arise from increase of population, and the necessities produced by the events of 1849¹⁵⁶. He did not think¹⁵⁷ that in the present circumstances of the Province ... [a] more dangerous course could be¹⁵⁸ pursued than that of the hon. member for Huron.¹⁵⁹ [It] would interfere with the tariff and so endanger the resources of the country¹⁶⁰ at the time when we want to borrow money for railroad purposes.¹⁶¹ It would impair the public credit ... when the Provincial guarantee ... [is being] asked for, ... and would be suicidal.¹⁶² In view of great plans of public improvement, and the necessary expenditure, any meddling of this kind was much to be deprecated¹⁶³, and he contended that at all events, when the Province was about to incur largely increased liabilities, it would be most impolitic to diminish the revenue.¹⁶⁴ It would be far better to apply any surplus to the reduction of the public debt. He went on to reply generally to the debate.¹⁶⁵

MR. CHRISTIE concurred with the Inspector General in deeming¹⁶⁶ that it would be a most dangerous thing to accede to the motion of Mr. Cayley, in the present state of the country¹⁶⁷, and therefore felt it his duty to oppose the motion.¹⁶⁸ He went on to show how the present surplus might be employed for the benefit of the country.¹⁶⁹

MR. H. SHERWOOD¹⁷⁰ [OR] MR. G. SHERWOOD replied to Mr. Christie, and¹⁷¹ imagined that the member from Gaspé had an eye to further appropriations for the benefit of the district he represented.¹⁷² [He] then complained that the Government had not stated how they meant to apply the surplus revenue. He thought there was every prospect to an increase of the revenue next year. He went on to argue on the state of the revenue and¹⁷³ in favor of the reduction of duties on articles which enter largely into the consumption of the country¹⁷⁴ by the St. Lawrence.¹⁷⁵ At the close of his remarks¹⁷⁶--

(159)

the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cayley, Crysler, Hopkins, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McConnell, McLear, Merritt, Meyers, Papineau, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(21.)

NAYS.

Messieurs Armstrong, Baldwin, Bell, Bouthillier, Burritt, Chabot, Chauveau, Christie, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Johnson, Lacoste, LaTerrière,

Laurin, Lemieux, Letellier, Solicitor General Macdonald, Méthot, Mongenais, Morrison, Nelson, Polette, Price, Richards, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, and Viger.--(40.)

So it passed in the Negative.

Orders deferred.

The Honorable Mr. Sherwood moved, seconded by Mr. Smith of Frontenac, and the Question being put, That the Orders of the day be postponed until to-morrow; the House divided: and the names being called for, they were taken down, as follow:--

(160)

YEAS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Burritt, Cayley, Chauveau, Christie, Crysler, Davignon, Solicitor General Drummond, Dumas, Guillet, Hincks, Holmes, Hopkins, LaTerrière, Lemieux, Macdonald of KINGSTON, Mackenzie, Sir Allan N. MacNab, Malloch, McLean, Meyers, Papineau, Richards, Scott of BYTOWN, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(30.)

NAYS.

Messieurs Armstrong, Boulton of TORONTO, Cartier, Chabot, Duchesnay, Flint, Fournier, Fourquin, Johnson, Lacoste, Laurin, McConnell, Méthot, Mongenais, Morrison, Nelson, Polette, Scott of TWO MOUNTAINS, Seymour, and Taché.--(20.)

So it was resolved in the Affirmative.

Adjournment.

The Honorable Mr. Boulton moved, seconded by Mr. Solicitor General Drummond, and the Question being put, That this House do now adjourn;

The House divided:

Yeas, 23.

Nays, 13.

So it was resolved in the Affirmative.

And the House accordingly adjourned.¹⁷⁷

APPENDIX: 14 JULY 1851.

[NOTICE OF MOTION RE: INCORPORATION OF SONS OF TEMPERANCE.]¹⁷⁸

MR. COM. CR. LANDS PRICE gave notice of a bill to incorporate the Sons of Temperance.¹⁷⁹

[WITHDRAWN RESOLUTIONS RE: FEDERAL UNION.]¹⁸⁰

MR. H. SHERWOOD said that after what had taken place in the House, he should not proceed this session with the resolutions ... on the subject of¹⁸¹ the Union of the late Provinces, of which he had given notice in amendment to those of which Mr. H.J. Boulton gave notice, on the same subject.¹⁸²

MR. MERRITT said he should introduce as a substantive motion, the resolutions which he had proposed to bring forward in amendment to Mr. Sherwood's resolutions.¹⁸³

FOOTNOTES: 14 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 15 July 1851, BRITISH WHIG, 15 July 1851, MONTREAL TRANSCRIPT, 15 July 1851, and PILOT, 15 July 1851. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 15 July 1851, GLOBE, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, which copied from BRITISH COLONIST, EXAMINER, 16 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 12 July 1851, and copied from PATRIOT, of unknown date, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851, and BATHURST COURIER, 22 July 1851. The debate was also reported by: GLOBE, 15 July 1851, in a separate account; and MONTREAL GAZETTE, 18 July 1851, which also contained a commentary on this matter.
2. BRITISH COLONIST, 15 July 1851.
3. MONTREAL GAZETTE, 18 July 1851.
4. EXAMINER, 16 July 1851.
5. MONTREAL TRANSCRIPT, 19 July 1851.
6. BRITISH COLONIST, 15 July 1851.
7. MONTREAL TRANSCRIPT, 19 July 1851.
8. MONTREAL GAZETTE, 15 July 1851.
9. BRITISH COLONIST, 15 July 1851.
10. MONTREAL GAZETTE, 15 July 1851.
11. BRITISH COLONIST, 15 July 1851.
12. IBID.
13. MONTREAL GAZETTE, 18 July 1851.
14. BRITISH COLONIST, 15 July 1851.
15. MONTREAL GAZETTE, 15 July 1851.
16. MONTREAL TRANSCRIPT, 19 July 1851.
17. BRITISH COLONIST, 15 July 1851.
18. EXAMINER, 16 July 1851.
19. BRITISH COLONIST, 15 July 1851.
20. MONTREAL GAZETTE, 18 July 1851.
21. BRITISH COLONIST, 15 July 1851.
22. IBID.
23. MONTREAL GAZETTE, 18 July 1851.
24. BRITISH COLONIST, 15 July 1851.
25. IBID.
26. EXAMINER, 16 July 1851.
27. MONTREAL TRANSCRIPT, 19 July 1851.
28. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 15 July 1851, BRITISH WHIG, 15 July 1851, PILOT, 15 July 1851; BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, which copied from BRITISH COLONIST, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 12 July 1851, and copied from PATRIOT, of unknown date; GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, and PILOT, 19 July 1851. The debate was also reported by EXAMINER, 16 July 1851.
29. BRITISH COLONIST, 15 July 1851.
30. GLOBE, 15 July 1851.
31. BRITISH COLONIST, 15 July 1851.
32. MONTREAL GAZETTE, 15 July 1851.
33. BRITISH COLONIST, 15 July 1851.
34. MONTREAL GAZETTE, 15 July 1851.
35. BRITISH COLONIST, 15 July 1851.
36. IBID.

37. GLOBE, 15 July 1851.
38. BRITISH COLONIST, 15 July 1851.
39. GLOBE, 15 July 1851.
40. BRITISH COLONIST, 15 July 1851.
41. GLOBE, 15 July 1851.
42. The following papers reported the debate on this matter in identical accounts: GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851; BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, which copied from BRITISH COLONIST, and NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 12 July 1851, and copied from PATRIOT, of unknown date. The following papers reported the debate in partially identical accounts: MONTREAL GAZETTE, 16 July 1851, MORNING CHRONICLE, 16 July 1851, MONTREAL TRANSCRIPT, 17 July 1851, PILOT, 17 July 1851, LA MINERVE, 17 July 1851, and JOURNAL DE QUEBEC, 17 July 1851. The debate was also reported by: EXAMINER, 16 July 1851; and MONTREAL GAZETTE, 18 July 1851.
43. MONTREAL GAZETTE, 16 July 1851.
44. HAMILTON SPECTATOR, 16 July 1851.
45. EXAMINER, 16 July 1851.
46. HAMILTON SPECTATOR, 16 July 1851.
47. MONTREAL GAZETTE, 16 July 1851.
48. HAMILTON SPECTATOR, 16 July 1851.
49. GLOBE, 15 July 1851.
50. MONTREAL GAZETTE, 18 July 1851.
51. HAMILTON SPECTATOR, 16 July 1851.
52. IBID.
53. MONTREAL GAZETTE, 16 July 1851.
54. HAMILTON SPECTATOR, 16 July 1851.
55. EXAMINER, 16 July 1851.
56. MONTREAL GAZETTE, 18 July 1851.
57. IBID., 16 July 1851.
58. HAMILTON SPECTATOR, 16 July 1851.
59. EXAMINER, 16 July 1851.
60. BRITISH COLONIST, 15 July 1851.
61. MONTREAL GAZETTE, 16 July 1851.
62. HAMILTON SPECTATOR, 16 July 1851.
63. IBID.
64. GLOBE, 15 July 1851.
65. HAMILTON SPECTATOR, 16 July 1851.
66. IBID.
67. MONTREAL GAZETTE, 18 July 1851.
68. HAMILTON SPECTATOR, 16 July 1851.
69. IBID.
70. The following papers reported the debate on this matter in identical accounts: GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851; BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, which copied from BRITISH COLONIST, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 12 July 1851, and copied from PATRIOT, of unknown date; MONTREAL GAZETTE, 16 July 1851, MORNING CHRONICLE, 16 July 1851, MONTREAL TRANSCRIPT, 17 July 1851, PILOT, 17 July 1851, and LA MINERVE, 17 July 1851. The debate was also reported by: EXAMINER, 16 July 1851; MONTREAL GAZETTE, 18 July 1851; HAMILTON SPECTATOR, 19 July 1851, which copied from PATRIOT, of unknown date; and JOURNAL DE QUEBEC, 17 July 1851. A brief commentary appeared in GLOBE, 15 July 1851.
71. HAMILTON SPECTATOR, 19 July 1851.

72. IBID., 16 July 1851.
73. IBID., 19 July 1851.
74. IBID., 16 July 1851.
75. IBID., 19 July 1851.
76. IBID., 16 July 1851.
77. EXAMINER, 16 July 1851.
78. HAMILTON SPECTATOR, 16 July 1851.
79. IBID.
80. GLOBE, 15 July 1851.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. HAMILTON SPECTATOR, 16 July 1851.
87. GLOBE, 15 July 1851.
88. HAMILTON SPECTATOR, 16 July 1851.
89. GLOBE, 15 July 1851.
90. HAMILTON SPECTATOR, 16 July 1851.
91. GLOBE, 15 July 1851.
92. HAMILTON SPECTATOR, 16 July 1851.
93. GLOBE, 15 July 1851.
94. HAMILTON SPECTATOR, 16 July 1851.
95. GLOBE, 15 July 1851.
96. HAMILTON SPECTATOR, 16 July 1851.
97. GLOBE, 15 July 1851.
98. HAMILTON SPECTATOR, 16 July 1851.
99. GLOBE, 15 July 1851.
100. HAMILTON SPECTATOR, 16 July 1851.
101. GLOBE, 15 July 1851.
102. HAMILTON SPECTATOR, 16 July 1851.
103. EXAMINER, 16 July 1851.
104. HAMILTON SPECTATOR, 16 July 1851.
105. IBID.
106. GLOBE, 15 July 1851.
107. HAMILTON SPECTATOR, 16 July 1851.
108. GLOBE, 15 July 1851.
109. HAMILTON SPECTATOR, 16 July 1851.
110. GLOBE, 15 July 1851.
111. HAMILTON SPECTATOR, 16 July 1851.
112. GLOBE, 15 July 1851.
113. HAMILTON SPECTATOR, 16 July 1851.
114. GLOBE, 15 July 1851. HAMILTON SPECTATOR, 16 July 1851, attributed this speech to Mr. H. Boulton.
115. GLOBE, 15 July 1851.
116. HAMILTON SPECTATOR, 16 July 1851.
117. GLOBE, 15 July 1851.
118. HAMILTON SPECTATOR, 16 July 1851.
119. EXAMINER, 16 July 1851.
120. IBID.
121. HAMILTON SPECTATOR, 16 July 1851.
122. IBID.
123. IBID.
124. GLOBE, 15 July 1851.
125. IBID.

126. HAMILTON SPECTATOR, 16 July 1851.
127. GLOBE, 15 July 1851.
128. HAMILTON SPECTATOR, 16 July 1851.
129. GLOBE, 15 July 1851.
130. HAMILTON SPECTATOR, 16 July 1851.
131. GLOBE, 15 July 1851.
132. HAMILTON SPECTATOR, 16 July 1851.
133. GLOBE, 15 July 1851.
134. HAMILTON SPECTATOR, 16 July 1851.
135. GLOBE, 15 July 1851.
136. HAMILTON SPECTATOR, 16 July 1851.
137. GLOBE, 15 July 1851.
138. HAMILTON SPECTATOR, 16 July 1851.
139. GLOBE, 15 July 1851.
140. IBID.
141. HAMILTON SPECTATOR, 16 July 1851.
142. GLOBE, 15 July 1851.
143. HAMILTON SPECTATOR, 16 July 1851.
144. GLOBE, 15 July 1851.
145. HAMILTON SPECTATOR, 16 July 1851.
146. GLOBE, 15 July 1851.
147. HAMILTON SPECTATOR, 16 July 1851.
148. GLOBE, 15 July 1851.
149. IBID.
150. HAMILTON SPECTATOR, 16 July 1851.
151. GLOBE, 15 July 1851.
152. HAMILTON SPECTATOR, 16 July 1851.
153. GLOBE, 15 July 1851.
154. HAMILTON SPECTATOR, 16 July 1851.
155. MONTREAL GAZETTE, 18 July 1851.
156. IBID., 16 July 1851.
157. HAMILTON SPECTATOR, 16 July 1851.
158. GLOBE, 15 July 1851.
159. HAMILTON SPECTATOR, 16 July 1851.
160. GLOBE, 15 July 1851.
161. MONTREAL GAZETTE, 18 July 1851.
162. HAMILTON SPECTATOR, 16 July 1851.
163. GLOBE, 15 July 1851.
164. MONTREAL GAZETTE, 16 July 1851.
165. HAMILTON SPECTATOR, 16 July 1851.
166. GLOBE, 15 July 1851.
167. HAMILTON SPECTATOR, 16 July 1851.
168. GLOBE, 15 July 1851.
169. HAMILTON SPECTATOR, 16 July 1851.
170. GLOBE, 15 July 1851. The following papers attributed this speech to Mr. H. Sherwood: GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, and PILOT, 19 July 1851. The following papers attributed this speech to Mr. G. Sherwood: BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, and NORTH AMERICAN (Weekly), 18 July 1851.
171. HAMILTON SPECTATOR, 16 July 1851.
172. GLOBE, 15 July 1851.
173. HAMILTON SPECTATOR, 16 July 1851.
174. GLOBE, 15 July 1851.
175. HAMILTON SPECTATOR, 16 July 1851.
176. GLOBE, 15 July 1851.

177. The following papers noted that "the House adjourned shortly after ten":
GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, and PILOT, 19 July 1851.
178. The following papers reported this notice of motion in identical accounts:
GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851, and BATHURST COURIER, 22 July 1851.
179. GLOBE, 15 July 1851.
180. The following papers reported these withdrawn resolutions in identical accounts: GLOBE, 15 July 1851, MONTREAL TRANSCRIPT, 19 July 1851, PILOT, 19 July 1851; MONTREAL GAZETTE, 15 July 1851, BRITISH WHIG, 15 July 1851, MONTREAL TRANSCRIPT, 15 July 1851, PILOT, 15 July 1851; BRITISH COLONIST, 15 July 1851, HAMILTON SPECTATOR, 16 July 1851, which copied from BRITISH COLONIST, and NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 12 July 1851, and copied from PATRIOT, of unknown date. The withdrawn resolutions were also reported by: MONTREAL GAZETTE, 18 July 1851; and JOURNAL DE QUEBEC, 15 July 1851.
181. GLOBE, 15 July 1851.
182. MONTREAL GAZETTE, 15 July 1851.
183. GLOBE, 15 July 1851.

TUESDAY, 15 JULY 1851.

(160)

Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the table:--

By the Honorable Mr. Baldwin,--The Petition of the
Reverend D. Charland and others, of the Village and County of Beauharnois.

By Mr. Boulton of Toronto,--The Petition of John Oliver, of the City of Toronto; the Petition of Richard Long and others, of Bradford, Essa, Tecumseth, and West Gwillimbury; the Petition of A. Bagshaw, Esquire, and others, of the Township of Brock, County of Simcoe; the Petition of the Reverend Edward Denroche and others, of the Town of Brockville, County of Leeds; the Petition of the Reverend Francis Tremayne and others, of Leeds, Pittsburgh, and other places, in the County of Leeds; and the Petition of the Reverend Robert Blakey and others, of Prescott, County of Grenville.

By Sir Allan N. MacNab,--The Petition of James D. Hare, of the Town of Dundas; and the Petition of the Municipality of the Township of Flamborough West.

Petition
referred.

Resolved, That the Petition of C.P. Huot, Esquire, and others, Notaries of the District of Quebec, be referred to a Select Committee, composed of the Honorable Mr. LaTerrière, Mr. Laurin, Mr. Lacoste, Mr. Jobin, and Mr. Letellier, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Education
Report (L.C.).

Ordered, That the Report of the Superintendent of Education for Lower Canada, for the years 1849-1850, presented to the House on the eighth instant, be printed, in pamphlet form, for the use of the Members of this House.

On motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Hincks,

Public Works
Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act for the further amendment of the Laws relating to the Public Works in this Province," be read a second time on Friday next.

Sons of Temperance Bill
(U.C.).

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Cramahe and
Murray new
Township Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to form a new Township out of parts of the Townships of Cramahe and Murray in the County of Northumberland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Montreal and
Vermont Rail-
way Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend and extend the Act incorporating the Montreal and Vermont Junction Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time tomorrow.

Hamilton Dry
Dock Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to revive the Charter of the Hamilton Dry Dock Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

On motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Attorney General LaFontaine,

Kamouraska and
Aylmer Court
Houses and
Gaols.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of appropriating the monies arising from Duties on Tavern Licences in the Counties of Kamouraska, Rimouski, and Ottawa, towards defraying the cost of the Court House and

Gaol erected at Kamouraska, and the Court House and Gaol now being erected at Aylmer.

The House accordingly resolved itself into the said Committee.

Mr. Smith of Durham took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Smith of Durham reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Penitentiary
Officers.

The Honorable Mr. Price moved, seconded by the Honorable Mr. Hincks, That this House will immediately resolve itself into a Committee, to take into consideration the expediency of providing out of the Consolidated Revenue Fund of the Province, for remunerating the several Officers of the Penitentiary;

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Hall took the Chair of the Committee; and after some time spent therein,

(161)

Mr. Speaker resumed the Chair;

And Mr. Hall reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Circuit or
County Judges.

The Honorable Mr. Baldwin moved, seconded by the Honorable Mr. Price, That this House will immediately resolve itself into a Committee, to take into consideration the expediency of making provision out of the Consolidated Revenue Fund of the Province, for the remuneration of such persons as may be named to sit for any Circuit or County Judge, while such Circuit or County Judge shall be employed in the execution of any Commission for the examination of Witnesses on the trial of any Parliamentary Election Petition;

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Lemieux took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lemieux reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Recorders of
Cities.

The Honorable Mr. Baldwin moved, seconded by the Honorable Mr. Price, That this House will immediately resolve itself into a Committee, to take into consideration the expediency of providing out of the County Fee Fund and Consolidated Revenue Fund of the Province, for remunerating the Recorders of Cities for holding the Division Court for that Division of the County or United Counties within the limits of which their respective Cities shall be situate;

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.¹

A short conversation [ensued.]²

The motion was carried.³

(161)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Letellier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Letellier reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Montreal
Provident and
Savings Bank.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,-- Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 10th July, 1851, for any Report which may have been made to His Excellency by the Commissioners appointed to enquire into the affairs and management of the Montreal Provident and Savings Bank, together with such Evidence as shall have been submitted to them in the course of their investigations, and produced in support of the said Report.

Appendix (Q.Q.)

For the said Return, see Appendix (Q.Q.)

MR. DUMAS⁴ moved that the Report of the Commissioners of the Montreal Provident Savings Bank be printed.⁵

MR. CHRISTIE objected to the printing of this document, on account of its immense bulk. It would cost the country £1000, and he did not see that it was of any public interest. The affairs of this Bank were not as bad as represented, as it had paid 18s in the pound.⁶

MESSRS. H. BOULTON and ROBINSON also opposed the motion⁷.

[The motion] was supported by MESSRS. COM. CR. LANDS PRICE and SOL. GEN. MACDONALD.⁸

MR. SOL. GEN. MACDONALD contended that there were imputations on the characters of some of the Directors of this Institution, and that they should not be allowed

to escape by the suppression of the report.⁹

MR. ROBINSON said the Solicitor General should be more careful in throwing out aspersions, which were unfounded.¹⁰

MR. COM. CR. LANDS PRICE said, that it was precisely for this reason that the report should be printed, to clear up or establish the charges.¹¹

MR. SOL. GEN. DRUMMOND supported the motion, and urged its necessity, on the ground of public morality. He had not made himself master of the report, which he should have deemed it his duty to do, had his other duties not prevented him. He deemed the printing of the document necessary, for the clearing up, or establishing, [of] the aspersion thrown out.¹²

MR. BADGLEY spoke at some length, censuring the Solicitor General for using the term "scandalous job," with reference to the Directors, and explaining some circumstances connected with the breaking up of the Bank. He was authorized to state that the Directors desired to have the whole of the documents relating to the Bank printed, not only the Report of the Commissioners, but the evidence that had been taken.¹³

MR. CARTIER urged the printing of the Report.¹⁴

(161)

Mr. Dumas moved, seconded by Mr. Cartier, and the Question being proposed, That the said Return be printed for the use of the Members of this House;

MR. CHRISTIE, after a few observations upon the Report, stated that he would move that the whole matter be referred to the Committee on Printing.¹⁵

(161)

Mr. Christie moved in amendment to the Question, seconded by the Honorable Mr. LaTerrière, That all the words after "Return" to the end of the Question be left out, in order to add the words "be referred to the Standing Committee on Printing, to examine the same, and report their opinion of the expedience of printing the same, and the probable expense thereof" instead thereof;

MR. DUMAS opposed this [amendment].¹⁶

MR. BADGLEY [made a suggestion].¹⁷

MR. DUMAS ... upon the suggestion of the Hon. Mr. Badgley, added to his motion ["the evidence also"].¹⁸

MR. ROBINSON said, the printing would cost £1000, and instanced the printing of the Book of Trade and Navigation, which had cost £900. The House too readily printed all documents that came before it, which it was sometimes sorry for, as in the case of the printing of a Report upon the Sheriffs of Montreal, on the instigation of Mr. Gagy. He did not wish to suppress any information, but he did not wish that they should act rashly.¹⁹

Some other conversation [followed].²⁰

MR. HOLMES objected to the reference of the Report to the Committee on Printing, because he thought it would be invidious to allow that Committee to decide on what should not be published. At a recent visit to Montreal, he had had an opportunity of ascertaining that the Directors were most anxious for the publication of a full account of their management, and all they desired was to have an opportunity of rebutting any statement which they might have an interest in rebutting. On the other hand, the depositors were very desirous of the publication of the report, for many of them entertained the opinion that they had been injured by fraudulent conduct on the part of the Directors of the Bank. In that

opinion, he believed they were in error; and that the extent of the fault on the part of the Directors would be found to be undue negligence in failing to look after an unworthy servant. He had taken much pains to study the subject, though he had not yet seen the report, and he believed that the publication of that document would exonerate the Directors from everything else but neglect. That they had been grossly imposed on, however, was a fact altogether too obvious to admit of denial. It was hoped that the publication of the report might lead to the depositors obtaining eighteen shillings in the pound, and that, he was told, would satisfy them.²¹

(161)

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Bell, Bouthillier, Cartier, Chabot, Chauveau, Crysler, Davignon, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laurin, Lemieux, Letellier, Solicitor General Macdonald, Mackenzie, McConnell, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Sanborn, Sauvageau, Scott of BYTOWN, Seymour, Sherwood of TORONTO, Taché, and Viger.--(42.)

NAYS.

Messieurs Christie, Flint, Hopkins, LaTerrière, Sir Allan N. MacNab, Malloch, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(10.)

So it was resolved in the Affirmative.

MR. INSP. GEN. HINCKS²² moved that when the House adjourns, it do stand adjourned until to-morrow at 10 o'clock, A.M.; and that for the remainder of the session, on every Tuesday, the House do stand adjourned until the following Wednesday at 10 o'clock, A.M.²³

Some conversation ensued on this motion.²⁴

MR. SHERWOOD suggested the propriety of making Saturday a working day.²⁵

MR. INSP. GEN. HINCKS said a notice would have to be given of this.²⁶

MR. SANBORN did not see why private bills should have precedence of those intended for the general good.²⁷

(161)

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Attorney General LaFontaine,

Adjournment.

Resolved, That when this House doth adjourn it will adjourn until to-morrow at ten o'clock in the forenoon; and that for the remainder of the Session, on every Tuesday, the House will stand adjourned until the following Wednesday at ten o'clock in the forenoon.

*Montreal Marine
Mutual Insurance
Company Bill.*

An engrossed Bill to incorporate the Marine Mutual Insurance Company of Montreal, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

Bill relating to
a By-Law of Peter-
borough Municipal
Council.

An engrossed Bill to indemnify the Municipal Coun-
cillors of the County of Peterborough, and others, for
acts done under a certain By-Law of the Municipal Council
of the said County which was afterwards quashed, was, ac-
cording to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hall do carry the Bill to the Legislative Council, and desire
their concurrence.

Trinity
College Bill.

The Order of the day for the third reading of the en-
grossed Bill to incorporate Trinity College, being read;

Sir Allan N. MacNab moved, seconded by the Honorable
Mr. Badgley, and the Question being put, That the Bill be now read the third
time; the House divided: and the names being called for, they were taken down,
as follow:--

YEAS.

Messieurs Badgley, Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Cartier,
Cayley, Chabot, Chauveau, Christie, Crysler, Solicitor General Drummond, Duches-
nay, Flint, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Johnson, Lacoste,
Attorney General LaFontaine, LaTerrière, Lemieux, Letellier, Solicitor General
Macdonald, Sir Allan N. MacNab, Malloch, McConnell, Meyers, Morrison, Papineau,

(162)

Polette, Price, Richards, Robinson, Sanborn, Scott of BYTOWN, Scott of TWO MOUN-
TAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC,
Stevenson, and Viger.--(46.)

NAYS.

Messieurs Hopkins, and Mackenzie.--(2.)
So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council,
and desire their concurrence.

Carleton General
Protestant Hos-
pital Bill.

Mr. Lacoste reported the Bill to incorporate the Coun-
ty of Carleton General Protestant Hospital; and the amend-
ments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed, and read the third
time to-morrow.

Bill relating to
Foreign Executors,
&c.

The Order of the day for the second reading of the
Bill to remove doubts regarding the right and liability
of Foreign Executors, Administrators, and Corporations,
to sue and be sued in Lower Canada, being read;

The Bill was accordingly read a second time; and committed to a Committee of
the whole House, for Friday next.

County of
York Courts
Bill.

The Order of the day for the second reading of the
Bill to alter the periods for holding certain Courts in
the County of York, being read;

The Bill was accordingly read a second time; and
ordered to be engrossed, and read the third time to-morrow.

Primogeniture
Abolition Bill.

The Order of the day for the second reading of the
Bill to abolish the right of Primogeniture in the suc-

*cession to Real Estate held in fee simple or for the life of another in Upper Canada, and to provide for the division thereof amongst such of the Relatives of the last proprietor as may best accord with the relative claims of such parties in the division thereof, being read;*²⁸

MR. AT. GEN. BALDWIN moved the second reading of the bill to abolish the law of primogeniture. He said that numerous efforts had been made in Upper Canada to put the law relating to the descent of real estate upon what was thought a better footing.²⁹ In 1821,³⁰ on the first occasion on which the question was brought before the Legislative Assembly³¹ of U.C., by the elder Mr. Bidwell,³² the abolition of the law was carried by a majority of 25 to 4;³³ and he read the names of the voters in the majority to show that it was not a party vote³⁴, but was supported by gentlemen on both sides of the House. The bill he now introduced was similar to Mr. Bidwell's bill in abolishing the inheritance of the eldest son.³⁵ He spoke now of the first bill he could find on the Journals of Upper Canada, though he believed there had been an earlier bill. In subsequent sessions of the same Parliament, there were majorities of 20 to 1 and 19 to 1. In 1829, the following Parliament, the question was again brought forward by Mr. Perry, and the majority for the abolition was 30 to 8.³⁶ In the session of 1831-2, the next Parliament, in which the Conservatives had a majority, the division was 23 to 12. In the following Parliament, 1836-7, the division was 35 to 4.³⁷ Thus the question stood previous to the Union. After the Union it was brought forward in 1843³⁸ by Mr. Roblin,³⁹ the member for Prince Edward,⁴⁰ but the Government requested him to postpone his motion until they⁴¹ should have considered it,⁴² [and] could take action on it, and if hon. gentlemen would recall the circumstances which occurred towards the close of that session they would remember that⁴³ of course⁴⁴ the government was not in a position to act on it. In the session of '44-'45, when the Bill was introduced, the division so far as Upper Canada was concerned, stood 9 to 23.⁴⁵ The [total] division, then, was 28 to 28, the casting vote of the hon. member for Hamilton, Sir A.N. MacNab, being for it. Now there was no reason against dealing with this subject as well as with any other, according to the views of those whose property was to be distributed.⁴⁶ In dealing with questions of this kind the law[s] relating to property are to be dealt with according to the wants and wishes of the great mass of the community, and the question arises in this case "in which way would the father of a family wish his property to be divided, in case of his decease without an opportunity to frame a will," and he thought the decision was that in 99 cases out of 100 they would not desire that the whole of the property should be given to one member of the family.⁴⁷ He thought few would say that the people of Upper Canada would desire all their property to go to one of their children.⁴⁸ If he were correct in assuming that to be the feeling of Upper Canada, the law, as it at present stands, does not meet the requirements of the community.⁴⁹ In the Mother Country there [had] been a diversity in the mode of the distribution of property for the method of descent introduced by the feudal title, was not the Saxon custom, and to this day there were large tracts of country in England where the lands went to the youngest child, or⁵⁰ [where] the old Saxon rule of equal division among all the sons, still holds good,⁵¹ so as to show that there was no uniform reason of law for the rule of primogeniture⁵², and there does not appear to have been at any time any universal will.⁵³ There was nothing then to prevent the change, if it were thought to be in consonance with the views of the people of the country.⁵⁴ Nothing inconsistent with the right reason in the proposition he now submitted⁵⁵. The Government taking this view, and believing the people to be in favour of the equal distribution of lands⁵⁶ [had] resolved to bring in a Bill of this nature, [and] it fell to his lot to frame it.⁵⁷ He had [thus] brought in the present bill to effect that object.⁵⁸ As a matter of course, it did not interfere with the right of a property holder to make any

testamentary settlement he saw fit, but referred merely to those cases he had instanced, where a person died without leaving any will.⁵⁹

(162)

The Honorable Mr. Baldwin moved, seconded by the Honorable Mr. Price, and the Question being proposed, That the Bill be now read a second time;

MR. H. SMITH (Frontenac) said that the hon. mover of the bill had taken a long time to make up his mind; for since Mr. Roblin's bill, that hon. member had been six years in Parliament, and he had not thought it necessary to move in it, till just the close of this Parliament. Now, he (Mr. Smith) looked upon this⁶⁰ Bill as being anti British in tone and feeling, and extremely dangerous⁶¹ and destructive⁶² as it was intended to upset fundamental laws relating to⁶³ real⁶⁴ property. He denied that the bill was asked for by the majority of the inhabitants of Upper Canada, and as a proof that that was the case, asserted that not a single petition was on the table in favor of it. He looked upon the existence of the present law as being instrumental to the welfare of the Province, as it preserves the whole of a man's property intact, instead of frittering it away in strips which can be of no use to any one.⁶⁵ The effect would be that every man must make a will unless he desired his land to be cut up into little pieces. Now, he would be glad to know how many people made wills, before this law was passed? The effect of the change would be this--throughout Upper Canada few farms exceeded two hundred acres, and the average were not more than one hundred acres; but as the bill also provided that the children of children should take their parent's share, it followed that one farm might be cut up into so many small pieces that several of the grand children might have only an acre of land --a piece of no use to any one.⁶⁶ Now, the custom which prevailed in Kent is condemned in every country in England, on the ground that it cuts up property into slips, thereby causing great inconvenience, although it appears to be more consonant with natural reason. Pass this bill into a law and the same result will follow here.⁶⁷ For his own part he thought the English law was a great advantage over that of Lower Canada, for it preserved estates in quantities which were valuable to some one and valuable to the country; whereas in Lower Canada, the inheritances, instead of farms were divided into small strips, of no good for any one. Besides this, it would be found that the effect of the change would be to prevent any titles being given to lands.⁶⁸ It will be impossible to make out a feasible title to one location [as] at the present day, there is so much movement westward.⁶⁹ A man dying without a will and leaving ten or twelve children, each of them would have a claim on a certain portion of his land; but every one might be at a distance, and thus it might be impossible to ascertain the title to the property.⁷⁰ As an instance he would mention that he knew a case in his own county in which there are 124 claimants for about 100 acres of land, and it was not impossible that the ministry introduced the bill for the purpose of strengthening their own power hereafter.⁷¹ He thought the divisions quoted by the hon member were no authority, for it showed that the majorities in favour of change were constantly decreasing. On the last occasion when it came up he could not forget the conduct of the hon member for Montreal (Mr. Lafontaine) who said he would vote for the second reading, but would oppose its going into Committee, if he found the majority for Upper Canada against it. The majority was against it, and it was thrown out on the motion for committal.⁷² He would move that the bill be read a second time that day six months.⁷³

(162)

Mr. Smith of Frontenac moved in amendment to the Question, seconded by Sir Allan N. MacNab, That the word "now" be left out, and the words "this day six months" added at the end thereof;

COL. PRINCE looked upon the law of property in England as glory⁷⁴, [and] upon the law of primogeniture as a blessing to the widow and younger branches of the family in his native country, but the circumstances under which property is held in Canada are so entirely different that he thought the law of primogeniture would be totally inapplicable, and he should vote for the second reading of this bill.⁷⁵ He went on to remark upon the aristocracy of England, with a view of showing that it was not just to draw comparisons between this country and England, with regard to the matter before the House.⁷⁶ In every land there would be no doubt that a landed aristocracy have been hitherto the main stay of the empire, but he would like to know if landed property in this country would ever be likely to support the widow and the younger branches of the family, if a division were not made, according to the principle of this bill.⁷⁷ In England, the eldest son could provide for the education or the procuring of professions for the younger children out of family estates; and there it was expedient to maintain a landed aristocracy, while here we did not want any. But in Canada the property might perhaps consist of wild land, or the farm only yield profit to its possessor. The oldest son might be a shopkeeper and reside at some distance from the estate; or, he might be an idle son on the farm, and in case of the father dying intestate, it would be unjust to give him all the property to the prejudice of the younger children.⁷⁸ Would it not be most cruel that the eldest son should be entitled to walk away with the whole property in case the father died intestate, when perhaps that son had not the means of cultivating the tenth part of the estate. There should be a fair division among all the sons of the family. If not so the land would be sold for a mere trifle in consequence of the low value of real estate in this country, and the difficulty that the eldest son would feel in maintaining his relatives out of the proceeds of a farm half covered with wood. In England, the heritor of real estate is placed in a different position; every acre is there of considerable annual value, and the means placed at once at the disposal of an elder son, gave him the power of supporting his father's family. It should be remembered by the opponents of the bill, that it did not compel the division of property in all cases--merely in those cases where the head of the family is suddenly cut off, without having sufficient time to make a proper settlement of his affairs; but it is a thing that rarely happens, perhaps, not oftener than six times in the course of a year, that a man dies intestate, and in every such case the landholder would, of course, make such a settlement as he thought fit.⁷⁹ The bill of his hon. friend did not prevent the father from doing what he would with his property, or leaving it to whom he pleased.⁸⁰

MR. MEYERS was nearly inaudible in the reporters' gallery, but he was understood to oppose the bill; and to argue that it was unasked for, and that there were no petitions in favour of the disturbance of the law as it stood.⁸¹

MR. RICHARDS remarked that one of the great principles of the reform party⁸² to which he belonged⁸³ was to abolish the law of primogeniture; and he did not think the Legislature should be broken up without passing a bill to carry out this principle. He went on to show the injustice of the present law, contending that it was wrong to give the eldest son the entire control over the whole of the family property, in case of a man dying without making a will. He did not care how small a man's estate might be, if the principle were admitted that one child was as dear to the father as another child,--it was just, that he should have a share of the property.⁸⁴ For himself he did not think it right that the elder son of a family should be subjected to temptation as under the present law which empowers him to seize on all the property of a parent who died intestate, and leaves the protection of his brothers and sisters merely to his sense of generosity. He would always be willing to leave this measure and the principles on which it was based to every man's innate sense of justice. If a

man who is in the possession of property finds that a division of it would be injurious,⁸⁵ [or that it] might work inconvenience,⁸⁶ he has merely to make a will to preserve it intact.--In the practical application of this law in the States or in the Lower Province, there was such serious cause of complaint as to make a change then necessary.⁸⁷ [OR] He asked if any inconveniences were felt in the United States or Lower Canada, from the laws of descent? No; there were no complaints. It was absurd to compare the laws of real property in this country with those of England. All our laws went to reduce land to the condition of chattels; and, it might be seized and sold in the same manner.⁸⁸ But the fact is, that the distinction between real estate and goods and chattels is exceedingly injurious, and the sooner they are put on the same footing in regard to the questions affected by this Bill, the better.⁸⁹

MR. ROBINSON had opposed a similar bill to that before the House, in 1831,⁹⁰ [and] had invariably opposed this Bill since ... and would do so still, for he had not heard a single voice raised in favour of this Bill in the whole of his county⁹¹, and he had seen no reason to change his mind⁹². The general mode of leaving property by testaments, was to will the whole of the real estate to the eldest son, on condition that he should pay a certain sum to the support of the other members of the family. Judging from that fact, from the small number of cases in which division is made by testament, and from the absence of all petitions for a change in the existing law, he did not think such a change was consonant with public opinion.⁹³ He did not believe the country desired the passing of the bill before the House, and he was certain the feeling of his county was against it. He cited from some documents in support of his argument, and enlarged upon the impolicy of dividing estates into small portions. He did not believe the hon. Attorney General was quite sincere in desiring to have the bill passed, but fancied that he only brought it forward to redeem one of his former pledges. He did not see there was any necessity for the bill; and if it passed, it would be productive of injurious consequences.⁹⁴

COL. PRINCE explained that under the provisions of this Bill, it was possible for any person to entail property exactly on the same conditions as it could be entailed by a Peer of the realm in England.⁹⁵

MR. W. BOULTON thought that if public opinion⁹⁶ [in] Upper Canada⁹⁷ were really in favour of this principle he could understand why the hon. Mr. Baldwin should introduce the Bill, but he did not believe that hon. gentleman understood what public opinion really is.--He had looked over a work that was published in 1835--in fact the report of the Committee on Grievances--and he found that three witnesses were examined by the Committee.⁹⁸ [He] read from the seventh report of the Committee of Grievances, which had been procured by Mr. Mackenzie, from the Parliament of Upper Canada.⁹⁹ Mr. Wilson, one of the witnesses, believed that the Bill was generally desired by the country. Dr. Dunlop, another witness, did not know whether it was desired by the country, but he believed the measure would be bad, judging from its effects in Scotland, France, and Lower Canada.¹⁰⁰ He read the evidence of Dr. Dunlop from ... [the] report, and said he thought it was entitled to great weight. This evidence was strongly against the abolition of the laws of Primogeniture, on the ground that the effect would break up estates into small lots, which was a system that had been productive of the worst results in France, Scotland, and Lower Canada.¹⁰¹ The evidence between those parties was thus balanced; but Mr. James Brown, the third witness, and a member of the Legislature, expressly declared that it was not desired by the people. Besides, in looking over an old pamphlet he found that the member for Haldimand, in his correspondence with the Earl of Dalhousie, expressly declared his conviction that the abolition of the law of Primogeniture had the worst effects in many countries, and if that was the case, was it rational to

suppose that he could conscientiously recommend its adoption here. So much for public opinion. Nevertheless if this law were proposed merely as a temporary affair, he did not know that the consequences would be very serious if it became the law of the land to-morrow; but if the House were legislating for all time to come, and they adopted this measure as a permanent measure, then the results would be similar to what they are in France--most disastrous to the agricultural population. If the people of the country do require it, the people are exceedingly scanty. He would ask any professional gentleman in the House, if a party had to his knowledge ever framed his will in such a way as to make an equal division of his property? No. No one could say so, and he held it to be strong negative evidence, which was strengthened by the absence of all petitions.¹⁰² The hon. member went on at length to condemn the principle of the bill; and read from various documents in support of his argument. He was proceeding to read from a French correspondent of the New York Commercial Advertiser, on the effect produced in France by the absence of a law of Primogeniture, when¹⁰³⁻⁻

MR. MORIN the SPEAKER interrupted him, on the ground that it was out of order to read from newspapers.¹⁰⁴

MR. W. BOULTON made the attempt five or six times to read sentences from the letter alluded to¹⁰⁵.

Each time, [Mr. Boulton was] ... taken up by MR. MORIN the SPEAKER as being out of order.¹⁰⁶

MR. W. BOULTON went on to remark that it was hard he might not read a sentence in support of his views, containing a fact, stating the effect produced in another country by such a law as was sought to be passed. He contended at some length against the injurious effects of dividing property into small lots.¹⁰⁷

MR. MORRISON spoke in reply to the last speaker, and in favor of Mr. Balwin's [sic] bill. He believed the universal feeling in Upper Canada was in favor of the bill. He enlarged on the subject of the present law.¹⁰⁸ Mr. Morrison believed that if the question were put fairly to the population of the country whether they wished for the continuance of the law of Primogeniture, they would almost unanimously reply in the negative. Any person who examines the existing law will see that it is opposed to the dictates of reason, as it vests all the landed property in one son without enforcing the proper support of his relations. The only thing that astonished him was, that it remained so long on the Statute Books of the Province. It was abolished in most of the old colonies previous to their separation from Britain, and he did not believe any person in this colony would argue in favour of it, if it were put before him in a common sense point of view. Hon. gentlemen on the other side would oppose the bill no doubt, but it was apparently merely from the love of opposition, for he had not heard a single sound argument advanced against it. With regard to the splitting of farms--he did not believe that the effect of such a system would be all prejudicial, for in this country scarcely any person would accept twelve acres, or twenty acres of land, as a portion on which to support life, but would in all probability dispose of it to another and thus have some little capital upon which to begin [in] the world. Hon. gentlemen said they could not discover the evil of the present law, but he had been cognizant of those evils for years, and wondered how any person could be ignorant of them.¹⁰⁹ He stated that he had known many instances in which the present law had been destructive of the peace of families; and he was satisfied that that would be the experience of most professional men.¹¹⁰ Strife and jealousy among the members of a family, were ordinary, every-day results; and in addition there was the manifest injustice of depriving the younger branches of all support, while the elder enjoyed all

the benefits of his parents' care and industry.¹¹¹

MR. BADGLEY, after some remarks in reply to Mr. Morrison, stated¹¹² [that he] had not seen this question brought before the house in any handsome shape until it was introduced by the Hon. Mr. Baldwin, who introduced it apparently because it was not asked for on the same principle that induced him to support the Court of Chancery, for whose abolition every one asked.¹¹³ He had seen no expression of opinion on the part of the people of Upper Canada in favour of the bill before the House--he was opposed to it. He went into an historical account of the law of primogeniture, with a view of showing the effects it produced. He believed the bill of the hon. member for North York, if passed, would create a number of small holdings that would be injurious to the prosperity and independence of this country.¹¹⁴ The objection to this subdivision of lands was, that it did not afford means of support for a progressive population--small holdings passing speedily into the possession of a poor people who look to them as the means of subsistence, and have not the vigour necessary to take a step beyond. Experience had shewn that the operation of the principle had really had that effect in those countries in which it was adopted, and that the whole body of the population became poor and unenterprising.--The division of property in such cases was an injury not merely to the state, but to individuals. For this reason, and because he was not convinced that public opinion in Upper Canada was in favour of the principle he should oppose the Bill.¹¹⁵

MR. HOPKINS had no doubt that a measure of this kind was necessary.¹¹⁶ [He] spoke in favour of the motion, mentioning the fact that the measure had been repeatedly passed in the Lower House and rejected by the Council.¹¹⁷ When wills are registered it is but seldom that the whole of the property is conferred on the eldest son; but in the greatest number of cases the estate, if small, is sold, and the value in money distributed among the children, or, if large, the estate itself is divided among the children.¹¹⁸ People, he said, who made wills always divided their property, and the eldest son usually divided it in cases where it came to him.¹¹⁹

MR. MACKENZIE brought forward several arguments in favour of the measure.¹²⁰ [He] repeated the history of the bill very much as Hon. Mr. Baldwin had done. He then went over the usual arguments in favour of the measure, drawn from the natural right of all the children to partake of their father's property. He quoted DeTocqueville in favour of the change, and said that if France were cited as an example of the evils of the partition of land, Ireland with 9,000,000 inhabitants and only 12,000 proprietors, was a striking instance of the curse of the other system. In the United States they abolished the law of primogeniture [sic] very early after the revolution, and they showed their dislike to the old system by never reverting to it.¹²¹

(162)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cayley, Christie, Crysler, Lyon, Sir Allan N. MacNab, McLean, Meyers, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Smith of FRONTENAC.--(12.)

NAYS.

Messieurs Armstrong, Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Duchesnay, Dumas, Flint, Fortier, Fournier, Guillet, Hall, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Letellier, Mackenzie, Malloch, McConnell,

McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(51.)

So it passed in the Negative.¹²²

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

(163)

YEAS.

Messieurs Armstrong, Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Duchesnay, Dumas, Flint, Fortier, Fournier, Guillet, Hall, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney General La-Fontaine, LaTerrière, Laurin, Lemieux, Letellier, Mackenzie, Malloch, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Prince, Richards, Sanborn, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, and Viger.--(51.)

NAYS.

Messieurs Badgley, Cayley, Christie, Crysler, Lyon, Sir Allan N. MacNab, McLean, Meyers, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Smith of FRONTENAC.--(12.)

So it was resolved in the Affirmative.¹²³

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Orders
deferred.

Mr. Sherwood of Brockville moved, seconded by Mr. Smith of Frontenac, and the Question being put, That the remaining Orders of the day be postponed until to-morrow; the House divided:--And it was resolved in the Affirmative.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Chauveau,
The House adjourned.

APPENDIX: 15 JULY 1851.

[NOTICE OF ADDRESS RE: COURT OF CHANCERY.]¹²⁴

SIR A. MACNAB gave notice of an address for the appointment of a Commission to provide for abolishing the Court of Chancery in Upper Canada.¹²⁵

[NOTICE OF MOTION RE: HOUSE SITTING ON SATURDAYS.]¹²⁶

MR. SHERWOOD gave notice of a motion to carry out his suggestion¹²⁷ [that] Saturday [be] a working day.¹²⁸

FOOTNOTES: 15 JULY 1851.

1. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 14 July 1851, MONTREAL GAZETTE, 19 July 1851, PILOT, 19 July 1851, and HAMILTON SPECTATOR, 19 July 1851, which copied from PATRIOT, of unknown date. The debate was also reported by GLOBE, 17 July 1851.
2. BRITISH COLONIST, 18 July 1851.
3. IBID.
4. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 14 July 1851, MONTREAL GAZETTE, 19 July 1851, PILOT, 19 July 1851, and HAMILTON SPECTATOR, 19 July 1851, which copied from PATRIOT, of unknown date. The debate was also reported by GLOBE, 17 July 1851.
5. BRITISH COLONIST, 18 July 1851.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. MONTREAL GAZETTE, 19 July 1851.
22. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 14 July 1851, MONTREAL GAZETTE, 19 July 1851, PILOT, 19 July 1851, and HAMILTON SPECTATOR, 19 July 1851, which copied from PATRIOT, of unknown date. The debate was also reported by GLOBE, 17 July 1851.
23. BRITISH COLONIST, 18 July 1851.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. The following papers reported the debate on this matter in identical accounts: BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which misdated the debate as 14 July 1851, MONTREAL GAZETTE, 19 July 1851, PILOT, 19 July 1851, HAMILTON SPECTATOR, 19 July 1851, which copied from PATRIOT, of unknown date, and LA MINERVE, 22 July 1851. The following papers reported the debate in partially identical accounts: GLOBE, 17 July 1851, and BATHURST COURIER, 22 July 1851.
29. BRITISH COLONIST, 18 July 1851.
30. BATHURST COURIER, 22 July 1851.
31. BRITISH COLONIST, 18 July 1851.
32. BATHURST COURIER, 22 July 1851.

33. BRITISH COLONIST, 18 July 1851. BATHURST COURIER, 22 July 1851, gave the figures for the division as 25 to 14.
34. BRITISH COLONIST, 18 July 1851.
35. BATHURST COURIER, 22 July 1851.
36. BRITISH COLONIST, 18 July 1851. BATHURST COURIER, 22 July 1851, gave the figures for the division as 33 to 8.
37. BRITISH COLONIST, 18 July 1851.
38. BATHURST COURIER, 22 July 1851. BRITISH COLONIST, 18 July 1851, dated the introduction of this matter as the session of 1844-45.
39. BATHURST COURIER, 22 July 1851.
40. BRITISH COLONIST, 18 July 1851.
41. BATHURST COURIER, 22 July 1851.
42. BRITISH COLONIST, 18 July 1851.
43. BATHURST COURIER, 22 July 1851.
44. BRITISH COLONIST, 18 July 1851.
45. BATHURST COURIER, 22 July 1851.
46. BRITISH COLONIST, 18 July 1851.
47. BATHURST COURIER, 22 July 1851.
48. BRITISH COLONIST, 18 July 1851.
49. BATHURST COURIER, 22 July 1851.
50. BRITISH COLONIST, 18 July 1851.
51. BATHURST COURIER, 22 July 1851.
52. BRITISH COLONIST, 18 July 1851.
53. BATHURST COURIER, 22 July 1851.
54. BRITISH COLONIST, 18 July 1851.
55. BATHURST COURIER, 22 July 1851.
56. BRITISH COLONIST, 18 July 1851.
57. BATHURST COURIER, 22 July 1851.
58. BRITISH COLONIST, 18 July 1851.
59. BATHURST COURIER, 22 July 1851.
60. MONTREAL GAZETTE, 19 July 1851.
61. BATHURST COURIER, 22 July 1851.
62. MONTREAL GAZETTE, 19 July 1851.
63. BATHURST COURIER, 22 July 1851.
64. MONTREAL GAZETTE, 19 July 1851.
65. BATHURST COURIER, 22 July 1851.
66. MONTREAL GAZETTE, 19 July 1851.
67. BATHURST COURIER, 22 July 1851.
68. MONTREAL GAZETTE, 19 July 1851.
69. BATHURST COURIER, 22 July 1851.
70. MONTREAL GAZETTE, 19 July 1851.
71. BATHURST COURIER, 22 July 1851.
72. MONTREAL GAZETTE, 19 July 1851.
73. BATHURST COURIER, 22 July 1851.
74. MONTREAL GAZETTE, 19 July 1851.
75. GLOBE, 17 July 1851.
76. MONTREAL GAZETTE, 19 July 1851.
77. GLOBE, 17 July 1851.
78. MONTREAL GAZETTE, 19 July 1851.
79. GLOBE, 17 July 1851.
80. MONTREAL GAZETTE, 19 July 1851.
81. IBID.
82. IBID.
83. GLOBE, 17 July 1851.
84. MONTREAL GAZETTE, 19 July 1851.

85. GLOBE, 17 July 1851.
86. MONTREAL GAZETTE, 19 July 1851.
87. GLOBE, 17 July 1851.
88. MONTREAL GAZETTE, 19 July 1851.
89. GLOBE, 17 July 1851.
90. MONTREAL GAZETTE, 19 July 1851.
91. GLOBE, 17 July 1851.
92. MONTREAL GAZETTE, 19 July 1851.
93. GLOBE, 17 July 1851.
94. MONTREAL GAZETTE, 19 July 1851.
95. GLOBE, 17 July 1851.
96. IBID.
97. MONTREAL GAZETTE, 19 July 1851.
98. GLOBE, 17 July 1851.
99. MONTREAL GAZETTE, 19 July 1851.
100. GLOBE, 17 July 1851.
101. MONTREAL GAZETTE, 19 July 1851.
102. GLOBE, 17 July 1851.
103. MONTREAL GAZETTE, 19 July 1851.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. GLOBE, 17 July 1851.
110. MONTREAL GAZETTE, 19 July 1851.
111. GLOBE, 17 July 1851.
112. MONTREAL GAZETTE, 19 July 1851.
113. GLOBE, 17 July 1851.
114. MONTREAL GAZETTE, 19 July 1851.
115. GLOBE, 17 July 1851.
116. IBID.
117. MONTREAL GAZETTE, 19 July 1851.
118. GLOBE, 17 July 1851.
119. MONTREAL GAZETTE, 19 July 1851.
120. GLOBE, 17 July 1851.
121. MONTREAL GAZETTE, 19 July 1851.
122. The following papers noted that the amendment was negatived 51 to 11:
GLOBE, 17 July 1851, BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly),
18 July 1851, which misdated the debate as 14 July 1851, MONTREAL GAZETTE,
19 July 1851, PILOT, 19 July 1851, HAMILTON SPECTATOR, 19 July 1851, which
copied from PATRIOT, of unknown date, BATHURST COURIER, 22 July 1851, and
LA MINERVE, 22 July 1851.
123. The following papers noted that the motion was carried on a division of
51 to 11: GLOBE, 17 July 1851, BRITISH COLONIST, 18 July 1851, PILOT, 19
July 1851, and LA MINERVE, 22 July 1851, which added, "[c'est] un triomphe
assez important."
124. The following papers reported this notice of address in identical accounts:
MONTREAL GAZETTE, 16 July 1851, MONTREAL TRANSCRIPT, 17 July 1851, PILOT,
17 July 1851, LA MINERVE, 17 July 1851, JOURNAL DE QUEBEC, 17 July 1851;
MORNING CHRONICLE, 16 July 1851, BRITISH COLONIST, 18 July 1851, MONTREAL
GAZETTE, 19 July 1851, PILOT, 19 July 1851, and HAMILTON SPECTATOR, 19 July
1851, which copied from PATRIOT, of unknown date. The notice was also re-
ported by NORTH AMERICAN (Weekly), 18 July 1851, which misdated the account
as 14 July 1851.

- 125. NORTH AMERICAN, 18 July 1851.
- 126. The following papers reported this notice of motion in identical accounts:
BRITISH COLONIST, 18 July 1851, NORTH AMERICAN (Weekly), 18 July 1851, which
misdated the account as 14 July 1851, MONTREAL GAZETTE, 19 July 1851, PILOT,
19 July 1851, and HAMILTON SPECTATOR, 19 July 1851, which copied from
PATRIOT, of unknown date.
- 127. BRITISH COLONIST, 18 July 1851.
- 128. MONTREAL GAZETTE, 19 July 1851.

PROPER NAME INDEX

INTRODUCTION

The Index is limited to the names of the men who sat in the Canadian Assembly in 1851. It therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit the proper name Index to members of the Assembly was made necessary by the fact that in 1851 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

This Index refers only to Part I of Volume X. The continuation of the proper name Index will be included at the end of Part II, followed by an Index of the subjects in Volume X, Parts I and II together.

SECTION I: PROPER NAMES

A

Armstrong, David Morrison, 66, 78, 94, 149, 202, 214, 463, 464, 512, 518, 636, 703, 808.

B

Badgley, William, 66, 169, 195, 202, 256, 284, 302-303, 306, 318, 325, 329, 335, 344, 356, 361, 418, 436, 437, 461, 476, 480, 510, 518, 525, 547, 548, 580, 597, 618, 645, 660, 672, 681, 694, 715, 760, 764, 827, 830, 832, 838.

Baldwin, Robert, 2, 6, 7, 15, 16, 20, 24, 38, 41, 66, 68-69, 73, 87-88, 93, 95, 102, 120, 121, 125, 135, 136, 155, 156, 189, 190, 197, 199, 206, 207, 217, 228, 233-234, 249, 250, 263, 264, 291, 301, 303, 308, 309, 318, 319-320, 320, 323, 331, 335, 339, 345-346, 346, 347, 348, 352, 383, 388, 390, 392, 411, 416, 436, 444, 446, 448, 492, 493, 502, 502-503, 503, 510, 519, 521, 525, 527, 539, 545, 548, 550, 556, 557, 559, 560, 561, 564, 565, 584, 603-607, 615, 636, 641-644, 730, 753, 757, 766, 773, 774, 790-791, 791, 795, 795-796, 813, 827, 828, 829, 833-834, 834.

Bell, Robert, 66, 169, 196, 284, 302, 361, 456, 518, 540, 597, 695, 696, 713, 725, 727.

Boulton, Henry John, 9, 10, 35-36, 65, 66, 70, 71, 78, 81, 94, 95, 123, 125, 126, 133, 136, 140, 149, 154, 163, 180, 184, 188, 220, 229, 230, 231, 232, 232-233, 234-235, 237, 238, 249, 257, 259, 260-261, 263, 284, 297, 304, 320, 321, 322, 324, 324-325, 326, 329, 345, 348, 351, 352, 358, 360, 361, 387, 389, 391, 397, 398, 405, 410, 416, 425, 431, 438, 441, 443-444, 445, 446, 450, 459, 463, 465, 466, 483, 490, 500, 500-501, 501, 502, 505-506, 508-509, 512, 519, 528, 538, 543, 566-567, 570, 574, 585, 588, 588-589, 589, 591, 626?, 649, 685, 696, 698, 706-707, 707, 711, 716, 717, 730, 738, 740, 742, 743, 766-767, 769, 769-770, 770, 775, 784, 793?, 795, 802, 808, 811, 812, 818, 820, 829.

Boulton, William Henry, 9, 66, 67, 68, 89, 207, 208, 322, 384, 388, 397, 410, 440, 441-442, 442, 448, 488, 492, 497-498, 534, 559, 560, 561, 570, 586, 591, 626?, 626, 627, 644-645, 659, 668, 672, 673, 684, 686, 707, 708-711, 711, 713, 714, 736, 750, 757, 760, 764, 765, 767-768, 768, 793?, 794, 795, 818, 827, 836-837, 837.

Bouthillier, Thomas, 62, 66, 91, 182, 224, 299, 300, 356, 428, 435, 439, 597, 684.

Burritt, Read, 66, 674.

C

Cameron, John Hillyard, 9, 15, 15-16, 16, 66, 69, 78, 88?, 92, 93, 135, 184, 185, 262, 305, 306?, 306, 345, 348, 349, 373, 390, 409, 448, 464?, 465, 474, 475, 484, 534, 560, 568, 569, 587?, 649, 662, 664?, 672.

Cameron, Malcolm, 88?, 306?, 464?, 522, 587?, 664?.

Cartier, George Etienne, 15, 65, 66, 101, 150, 228, 301, 302, 356, 362, 381, 427, 428, 435, 486, 544, 556, 570, 650, 764, 795, 801, 817-818, 830.

Cauchon, Joseph Edouard, 15, 66, 78, 88, 123, 133, 174, 180, 199, 200, 204, 208, 218, 221, 236, 256, 262, 263, 284, 300, 306, 330, 343, 350, 351, 357, 375, 408, 543, 549-550, 592, 650, 666, 675, 687, 706, 711, 712, 716, 717-718, 720, 730, 774.

Cayley, William, 130-131, 132, 142, 163, 170, 180, 205, 274, 297, 302, 335, 339, 340-342, 343, 344, 398, 431, 489, 493, 529, 534, 574, 616, 637, 637-641, 674, 687, 713, 800, 808, 813-816, 816, 818.

Chabot, Jean, 15, 66, 123, 150, 196, 206, 256, 262, 284, 305, 362, 374, 405, 419, 463, 480, 485, 510, 518, 540, 558, 582, 657, 671, 673, 675, 680, 683, 686, 694, 705, 716, 725, 731, 753, 756, 763, 781.

Chauveau, Pierre Joseph Olivier, 19, 66, 69, 72, 88, 101, 123, 169, 174, 182, 238, 245-246, 300, 306, 404, 428, 450, 510, 518, 526, 543, 549, 550, 618, 649, 650, 651, 678-679, 679, 687, 725, 731, 809, 839.

Christie, Robert, 8, 64, 65, 66, 68, 71, 72, 128, 136, 137, 179, 180, 183, 184, 199, 229, 230, 231, 249, 256, 262, 309, 327, 350, 351, 352, 360, 361, 374, 375, 384, 384-387, 387, 459, 488, 512, 530, 547, 549, 561-562, 574, 582, 599, 675, 694, 706, 727, 731, 774-775, 819, 829, 830.

Crysler, John Pliny, 66, 489, 716.

Cuthbert, William.

D

Davignon, Pierre.

DeWitt, Jacob, 2, 41, 62, 66, 72, 78, 89, 93, 101, 123, 133, 134, 142, 149, 162, 169, 174, 175, 187, 195, 208, 227, 367, 373, 397-398, 404, 435, 476, 480, 488, 491.

Dickson, Walter Hamilton, 66, 220, 277, 436, 475, 489, 546, 573, 617, 676.

Drummond, Lewis Thomas, 19, 66, 70, 87, 91, 93, 184, 185, 186, 188, 200, 201, 220, 305, 329, 335, 350, 352, 362, 436, 439, 440, 461, 463, 465, 474, 484-485, 488, 534, 542, 618, 659, 703, 719, 729, 730, 732, 774, 776, 793, 794, 796, 813, 820, 827, 828, 830.

Duchesnay, Antoine Juchereau, 480.

Dumas, Norbert, 62, 66, 78, 149, 256, 356-357, 445, 449, 556, 580, 744, 829, 830.

E

Egan, John, 15, 101, 128, 129-130, 131-132, 153.

F

Fergusson, Adam Johnston, 66, 78, 150, 224, 256, 258, 262, 263, 305, 335, 381, 419-420, 443, 480, 522, 527, 586, 714, 753.

Flint, Billa, 66, 150, 183, 184, 196, 202, 304, 456, 534, 760, 764, 827.

Forquin dit Léveillé, Michel, 381, 460.

Fortier, Thomas, 19, 66, 78, 101, 149, 195, 284, 319, 409, 458, 527, 528, 534, 569, 584, 591, 694, 696, 698, 759, 764, 775.

Fournier, Charles François, 66, 101, 315, 404, 518, 583, 716, 719, 757.

G

Gugy, Bartholomew Conrad Augustus, 66, 284, 328, 346, 350, 362, 416, 488, 530, 534, 545, 549, 572.

Guillet, Louis, 78, 101, 196, 200, 214, 256, 284, 360.

H

Hall, James, 66, 169, 187, 200, 319, 335, 349, 416, 438, 438-439, 456, 534, 543, 664, 753, 828.

Hincks, Francis, 29, 31-32, 32, 33-34, 66, 66-67, 68, 85-86, 91, 94, 95, 101, 102, 119, 121, 128, 131, 132, 133, 134, 136, 136-137, 137, 138-139, 139, 139-140, 142, 153, 155, 155-156, 157, 169, 177-178, 178, 179, 180, 181, 188, 188-189, 195, 204, 209, 217, 218, 220, 224, 236-237, 237, 239, 241, 242, 245, 246, 249, 250, 258, 259, 260, 261, 261-262, 262, 264, 271, 272, 272-274, 276-277, 277, 295-296, 296, 297, 298, 300, 301, 303, 304-305, 309, 315, 321, 321-322, 322, 323, 324, 325-326, 326, 327, 329, 331, 342-343, 344, 350, 373, 375, 381, 384, 387-388, 389, 393, 394, 395, 397, 398, 436, 439, 440, 440-441, 441, 442, 445, 446, 447, 448, 450, 451, 459, 460, 476, 491, 499, 502, 523, 524, 525, 527, 528, 534, 541, 545, 547-548, 549, 560, 567, 568, 569, 570, 571, 574, 584, 585, 587, 608-609, 609-610, 610-612, 620, 626, 649, 661, 662, 669-670, 673, 674, 684, 685, 685-686, 696, 697, 698, 703, 706, 712, 713, 714, 715, 717, 719, 730, 731, 734-735, 736, 737, 739, 743, 745, 753, 754, 756-757, 758, 759, 760, 765, 768, 773-774, 776, 782, 784, 785, 792, 799, 800, 802, 808, 809, 811, 812, 816, 818, 819, 827, 828, 829, 831.

Holmes, Benjamin, 66, 78, 86, 135, 139, 170, 172, 182, 214, 244, 245, 246, 259, 275, 275-276, 301, 306, 318, 636, 668, 681-682, 694, 700, 712, 716, 718, 729, 730-731, 750, 753, 783, 813, 818-819, 830-831.

Hopkins, Caleb, 66, 81, 123, 132, 132-133, 133, 217, 246, 436, 485, 488, 500, 503, 569, 586, 591, 645-646, 659, 698, 718, 738, 740, 742, 743, 769, 791, 792, 792-793, 838.

J

Jobin, André, 66, 92, 169, 185-186, 186, 227, 232, 244, 246, 284, 357, 381, 404, 428, 480, 558.

Johnson, Thomas, 66, 224, 258, 278, 300, 302, 315, 435, 484, 793.

L

Lacoste, Louis, 66, 78, 101, 123, 149, 169, 239, 263, 317, 381, 419, 483, 518, 580, 756, 832.

LaFontaine, Louis Hippolyte, 7, 65-66, 70-71, 73, 91, 102, 154, 161, 183, 196, 197, 199, 202, 203, 205, 206, 231, 246, 248, 263, 306, 348, 351, 371, 372, 374, 396, 404, 425, 425-426, 439, 440, 476, 502, 521-522, 524, 552, 568, 570, 574, 588, 589, 589-590, 590, 590-591, 591, 603, 615, 647-649, 682, 683, 706, 729, 730, 753, 757-758, 766, 770, 771, 772, 775, 776, 782, 809, 828, 829, 831.

Laterrière, Marc Pascal de Sales, 66, 78, 123, 196, 231, 326, 337, 349, 361, 387, 428, 526, 583, 681, 750, 775, 818, 830.

Laurin, Joseph, 19, 62, 66, 72, 78, 92, 93, 149, 186, 200, 214, 245, 256, 284, 335, 338, 350, 361, 435, 438, 460, 462, 591, 678, 716, 720, 808, 809.

Lemieux, François, 66, 149, 195, 256, 315, 352, 360, 435, 459, 510, 524-525, 540, 636, 683, 703, 829.

Letellier, Luc, 2, 15, 36, 66, 70, 101, 169, 174, 235, 245, 327, 394-395, 428, 435, 459, 518, 534, 597, 680, 681, 687, 809, 817, 829.

Lyon, George Byron, 66, 200, 218, 300, 301-302, 405, 418, 420, 446, 450, 461, 475, 489, 529, 705, 743-744.

M

- Macdonald, John Alexander, 66, 85?, 219, 256, 258?, 306, 309, 392, 435, 447, 448?, 456, 489, 509, 518, 519, 519-521, 523?, 523, 524, 542?, 699, 735, 753-754?, 773, 774, 785, 792, 794, 794-795, 819.
- Macdonald, John Sandfield, 66, 85?, 133, 170, 185, 248, 258?, 261, 300-301, 306, 330, 350, 368, 398, 404, 418, 424, 429, 448?, 463, 464, 465, 474, 511, 523?, 542?, 550, 565-566, 617, 618, 625, 659, 664, 694, 729, 743, 753-754?, 757, 782, 795, 799, 801, 829, 829-830.
- Mackenzie, William Lyon, 2, 8, 9, 10, 17, 42, 66, 67, 70, 74, 81-84, 88-89, 90, 94, 95, 101-102, 123, 132, 135, 140-142, 154, 155, 156, 157, 157-160, 160, 163, 169, 174, 175, 176-177, 179-180, 180, 189-190, 196, 201, 206-207, 207, 208, 224, 228, 229, 235-236, 236, 245, 259, 284, 293, 293-295, 295, 297, 298, 306, 308, 327-328, 329, 339, 360-361, 363-366, 367, 368, 369-370, 370, 370-371, 373, 404, 406, 407, 407-408, 408-409, 409, 416, 438, 439, 440, 458, 488, 491, 493, 513, 523, 525, 528, 530, 540-541, 541, 542, 543, 545, 546, 547, 548, 549, 552, 559, 562-563, 568, 569, 572, 585, 625, 651, 659, 660, 664, 669, 670, 671, 684, 698, 714, 716-717, 738-739, 739, 740, 741, 756, 757, 758, 758-759, 759, 760, 785-790, 791, 792, 793, 793-794, 808, 810-811, 811, 838.
- MacNab, Allan Napier, 6, 17, 19, 34-35, 62, 63, 66, 73, 101, 163, 164, 214, 218, 219, 220, 224, 227, 242, 249, 258-259, 277, 297, 298, 299, 303, 304, 339, 344, 347, 381, 390, 398, 404, 425, 435, 438, 442, 447, 447-448, 450, 489, 492, 538, 541, 542, 545, 546, 548, 552, 569, 574-575, 575, 582, 585, 590, 607, 615, 637, 668, 674, 685, 696, 712, 739, 756, 758, 773, 774, 776, 780, 785, 791, 792, 793, 794, 827, 828, 832, 834, 840.
- Malloch, Edward, 8, 28, 66, 128, 132, 153, 178, 183, 224, 319, 346, 348, 389, 418, 430, 437, 489, 510, 549, 551, 573, 658, 685, 704, 725, 754.
- McConnell, John, 66, 101, 126, 136, 175, 196, 306, 395, 436, 460, 540, 550, 589, 750, 768.
- McFarland, Duncan, 66, 72, 125, 195, 197, 224, 264, 277, 308, 383, 406, 410, 415, 484, 488, 489, 493, 542, 545, 546, 584, 636, 651, 660, 675, 698, 703, 741, 742.
- McLean, Alexander, 66, 337, 462, 489, 540.
- Merritt, William Hamilton, 9, 19, 23-24, 24-28, 28-29, 29-31, 32, 65, 66, 69, 71, 84, 94, 95, 101, 118, 123, 126, 140, 203-204, 204, 209, 214, 218, 219, 264-268, 272, 274-275, 297, 298, 300, 301, 303, 308-309, 329, 342, 373, 374, 375, 390, 393, 394, 395, 397, 398, 404, 410, 416-417, 417, 436, 441, 527, 542, 545, 560, 561, 586, 636, 649-650, 659, 684, 697, 712, 715, 730, 775, 784, 811-812, 812, 813, 817, 821.
- Méthot, François Xavier, 66, 705, 706, 725, 780.
- Meyers, Adam Henry, 126, 136, 183, 200, 214, 232, 306, 381, 424, 565, 580, 835.
- Mongenais, Jean Baptiste, 66, 123, 335, 435.
- Morin, Augustin Norbert, 1, 2, 47, 59, 71, 78, 101, 102, 195, 218, 232, 237, 238, 258, 291, 295, 328, 356, 367, 389, 390, 404, 407, 435, 456, 480, 488, 518, 546, 552, 570, 620, 636, 658, 697, 711, 712, 725, 739, 740, 741, 754, 755, 776, 793, 817, 837.
- Morrison, Joseph Curran, 4, 7, 23, 62, 66, 120, 160, 242, 242-243, 243, 292, 308, 346, 372, 381, 391, 392-393, 393, 404, 410, 426, 436, 444, 460, 488, 501-502,

502, 523, 547, 548, 550, 646, 651, 661, 668, 713, 752, 837-838.

N

Nelson, Wolfred, 597, 659, 703, 718, 756, 759, 764, 767, 782, 791, 792, 795.

Notman, William, 7, 15, 66, 78, 123, 128, 149, 196, 214, 242, 244, 264, 284, 299, 303-304, 322, 431, 436, 443, 445, 449, 488, 492, 493, 502, 696, 697, 705, 706, 713, 714, 715, 737, 753, 760, 765, 792, 793.

P

Papineau, Louis Joseph, 66, 686, 707, 711-712, 717, 725, 771-772.

Perry, Peter.

Polette, Antoine, 7, 66, 315, 360, 415, 438.

Price, James Hervey, 2, 15, 16, 41, 90, 102, 125, 133, 136, 154, 154-155, 155, 162, 169, 181, 183, 195, 196-197, 197, 198-199, 199, 217, 217-218, 218, 241, 258, 261, 278, 288, 291, 296, 307, 315, 320, 322, 323, 328, 352, 373, 393, 394, 404, 407, 409-410, 415, 436, 446, 448, 450, 460, 492, 493, 494-495, 495-496, 496, 496-497, 498, 498-499, 499, 508, 509, 526-527, 527, 538, 552, 557, 560, 562, 583, 597, 615, 626, 636, 651, 652, 659, 661, 672-673, 680-681, 684, 698, 713, 715, 733, 735, 752, 757, 766, 776, 792, 794, 795, 808, 809, 821, 827, 828, 829, 830, 834.

Prince, John, 62, 65, 66, 68, 74, 84-85, 123, 137, 150, 155, 157, 161, 163, 179, 180, 188, 189, 196, 197, 216-217, 217, 220, 228, 249, 263, 295, 297, 322, 347, 348, 362-363, 368-369, 370, 374, 381, 389-390, 390, 443, 465, 484, 485, 527, 528, 545, 545-546, 546, 548, 548-549, 556, 563-564, 569, 584, 586, 587, 607, 607-608, 617, 618, 659, 664, 674, 687, 697, 717, 718-719, 737, 756, 773, 793, 808, 835, 836.

R

Richards, William Buell, 66, 93, 119, 125-126, 133, 134, 236, 244, 284, 298-299, 303, 305-306, 307, 318, 328-329, 348, 349, 369, 381, 391, 396, 418, 429, 430, 442, 447, 449, 488, 505, 506, 510, 518, 521, 526, 534, 542, 549, 566, 583, 584, 587, 591, 618, 651, 653, 664, 666, 683, 757, 758, 796, 797, 818, 835-836.

Robinson, William Benjamin, 10, 15, 19, 66, 74, 121, 131, 136, 137, 142, 169, 182, 195, 205, 206, 207, 208, 235, 241, 243, 256, 268-270, 322, 343, 350, 375, 395, 397, 404, 417, 419, 425, 426, 428, 436, 488, 492-493, 493, 503, 503-505, 527, 528, 557, 575, 583, 586, 587, 597, 615, 659, 680, 696, 698, 704, 713, 716, 734, 736, 745, 750, 753, 754, 765, 795, 808, 816, 817, 829, 830, 836.

Ross, Dunbar, 4, 6, 7, 22-23, 64, 65, 66, 68, 89-90, 119, 131, 133, 150, 155, 169, 182, 209, 233, 238, 239, 256, 300, 306, 323, 350, 381, 409, 420, 460, 466, 476, 540, 569, 574, 580, 587-588, 588, 589, 683, 695.

S

Sanborn, John Sewell, 62, 66, 101, 119, 188, 229, 246, 250, 256, 349, 362, 381, 439, 465, 466, 476, 511, 539, 548, 582, 636, 657, 662, 741, 808, 831.

Sauvageau, Tancrède, 66, 78, 150, 196, 534, 562, 703.

Scott, John, 66, 300, 302, 328, 350, 351, 394, 395, 420, 491, 518.

Scott, William Henry, 19, 66, 71, 102, 149, 175, 195, 200, 292, 299, 300, 306, 315, 317, 435, 461, 462, 475, 493, 626, 672, 729, 750, 751.

Seymour, Benjamin, 66, 256, 261, 262, 304, 323, 335, 445, 489, 539-540, 561, 647, 809.

Sherwood, George, 35, 66, 90, 142, 153, 161, 195, 204-205, 242, 243, 246, 261?, 263?, 276, 304, 306, 381, 391, 392, 393?, 395?, 493?, 538, 559?, 568, 585?, 597, 617, 617-618, 618?, 664?, 711?, 713?, 717, 735?, 753, 754, 774?, 775, 799-800, 819?, 831?, 839, 840?.

Sherwood, Henry, 6, 7, 9, 10, 24, 65, 66, 73, 87, 101, 128, 135, 136, 138, 139, 149, 156, 160, 161, 164, 178, 179, 180, 183, 188, 189, 196, 197, 199, 217, 218, 219, 228, 232, 234, 243, 259, 261?, 263?, 277, 278, 287, 297, 301, 304, 306, 308, 318, 320, 328, 331, 338, 343-344, 348, 368, 371, 374, 382, 388-389, 393?, 395?, 404, 409, 415, 419, 421, 425, 426, 431, 436, 437, 443, 446, 447, 448, 456, 458, 463, 464, 476, 480, 483, 486, 488, 492, 493?, 495, 496, 498, 506-508, 511, 521, 522, 523, 525, 527, 528, 534, 541, 542, 547, 559?, 564-565, 581, 584, 585?, 586-587, 587, 590, 597, 599, 609, 618?, 644, 646, 647, 658, 660, 664?, 668, 670, 672, 676, 676-678, 682-683, 683, 685, 686, 696, 705, 706, 711, 711?, 713?, 717, 731, 735?, 740, 741, 741-742, 751, 752, 753, 757, 759, 760, 766, 773, 774?, 790, 793, 796, 796-797, 797, 797-799, 799, 812, 816-817, 817, 819?, 820, 821, 831?, 840?.

Smith, Harmanus, 17?, 135?, 154, 157, 356, 358, 416, 428, 475, 538, 549?, 669, 697, 750.

Smith, Henry, 17?, 66, 135?, 195, 221, 237, 244-245, 259, 278, 305, 322-323, 367, 367-368, 368, 370, 390-391, 391, 392, 521, 522-523, 523, 549?, 557, 559-560, 565, 575, 703, 716, 717, 718, 733-734, 738, 743-744, 752, 774, 794, 795, 808, 820, 834, 839.

Smith, James, 17?, 19, 63, 66, 71, 90, 94, 119, 121, 125-126, 135?, 160, 196, 198, 201, 202, 208, 228, 229, 231, 237-238, 239, 243, 284, 293, 297, 298, 306, 339, 372-373, 391-392, 394, 395, 437, 451, 464, 465, 474, 475, 542-543, 549, 549?, 560, 568, 586, 587, 625, 626, 651, 653, 666, 675, 679, 782, 828.

Stevenson, David Barker, 66, 149, 182, 205, 246, 270-271, 276, 351, 387, 488, 561, 582, 599, 636, 680, 714, 725, 750, 765.

T

Taché, Etienne Paschal, 66, 78, 87, 90, 134, 169, 196, 284, 315, 419, 435, 580, 626, 675, 699, 780.

V

Viger, Louis Michel, 636.

W

Watts, Robert Nugent.

Wilson, John, 66, 149, 346, 347, 404, 435, 444-445, 445-446, 551, 584, 584-585, 607, 612-613, 613-615, 618, 659, 668, 670, 679, 679-680, 696, 697, 730, 731, 737, 752, 783, 800-801, 801.

3 1761 11465190 4

